

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **5631**



Introduced by Representative Divina Grace C. Yu
1st District, Zamboanga Del Sur

EXPLANATORY NOTE

Studies have shown that too much exposure of children to sexually themed and violent applications and games in the internet have contributed to the increasing number of school drop outs and computer gaming addicts.

This proposal to require Internet Service Providers to make available for subscription "Child Friendly Internet Service" for parents or guardians, free internet service providers, and computer rental shops stemmed from the conduct of technical working group meetings by the Committee on the Welfare of Children during the 16th congress. The proposal then was to limit the number of hours a child is allowed to be in computer rental shops and internet cafes. This was however deemed not responsive to the times as free internet already is being offered in public places, even by the government. As such, the child nowadays does not need to go to a computer shop to access such applications which are deemed to be detrimental to the welfare of a child.

Preventing a child from being addicted to computer gaming and shielding a child's mind from being polluted by adult games and sites is a paramount concern.

Approval of this bill is earnestly sought.


DIVINA GRACE C. YU
1st District, Zamboanga Del Sur

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AN ACT

REQUIRING INTERNET SERVICE PROVIDERS TO CREATE AND MAINTAIN A CHILD FRIENDLY INTERNET PACKAGE FOR SUBSCRIPTION OF PARENTS OR GUARDIANS, FREE WIFI PROVIDERS, COMPUTER RENTAL SHOPS, AND OTHER SUBSCRIBERS, AND PROVIDING PENALTIES FOR VIOLATION THEREOF

SECTION 1. Short Title. - This Act shall be known as the "Child Friendly Internet Service Act".

SEC. 2. Declaration of Policy. - It is hereby declared the policy of the State "to protect and promote the physical, moral, intellectual, and social well-being of the youth". Pursuant to this, the State shall regulate the access of children to internet sites in order to promote their welfare and protect their best interest.

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

- a. Protect the safety of children by limiting the internet sites, games and other applications which they may be allowed to access in their homes, free wifi zones, and computer rental shops; and
- b. Prevent children from being exposed to sex and violence in sites, games and other applications in the internet so they will not become victims of cyber pornography, addictive gaming, bullying, scamming, and other crimes committed online.

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

1. *Child friendly internet service* is a subscription service or package which does not allow access to sites, games and other applications containing or showing sex or violence in the internet. Access to adult sites and applications which are deemed to be detrimental to the welfare of a child is disabled under this subscription;
2. *Children* refer to persons below 18 years of age or persons over who are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition;

3. *Computer Rental Shop* refers to a business establishment with two (2) or more computer units that offers internet services, typing, printing services, online and offline video games or video games played over a local area network. It may also be referred to as internet cafe, computer gaming center, cyber cafe, arcade, or any other shop similar in nature;
4. *Free wifi zone*— refers to a place, whether private or public, where wifi or internet connection, with or without password, may be accessed for free. These include government and non-government offices, hotels, restaurants, recreational / theme parks, resorts, airplanes and their airports, trains and train stations, busses and their terminals, or any other place which give access to free internet service to customers, clients, and the general public;
5. *Free wifi access providers* – refer to the heads, owners, managers, or attendants of free wifi zones; and
6. *Internet service provider (ISP)* refers to is an entity that provides individuals and other companies access to the Internet and other related services such as Web site building and virtual hosting.

SEC. 5. Responsibility of all Internet Service Providers (ISP) – all internet service providers (ISP) operating in the Philippines shall create and maintain a child friendly internet service which shall be made available for subscription to parents or guardians, free wifi access providers, and computer rental shops. They shall ensure that child friendly service packages are equipped with firewalls and other filtering devices which disallow access to violent and sexually themed games, sites, and applications that are deemed detrimental to children's welfare.

SEC. 6. Duties and Responsibilities of Parents or Guardians, Free Wifi Access Providers, Computer Rental Shops, – Parents or guardians, free wifi access providers, and computer rental shops, shall be responsible for subscribing to child friendly internet package for the use of the general public which includes children.

Parents or guardians who have children living with them shall be allowed to subscribe only to a child friendly internet service. They shall likewise be responsible for monitoring their children's use of internet outside of their homes.

Free wifi access providers are required to subscribe to a child friendly internet service package which they will use to provide free wifi access to their constituents, customers, clients or the general public.

Owners, proprietors, managers, or attendants computer rental shops are required to designate computers with child friendly internet subscription which will be used by children costumers. They shall likewise ensure that no child shall be able to access a computer, device, or any gadget that does not carry a child friendly internet service.

SEC. 7. Prohibited Acts. – The following shall be prohibited:

- a. Not creating, maintaining or offering child friendly internet subscription

- packages by Internet Service Providers;
- b. Offering free wifi access to constituents, costumers, or general public which is not child friendly internet by free wifi access providers; and
- c. Allowing a child to access any computer, device, or gadget which is enabled with An application or internet subscription which is not child friendly by parents, guardians and computer rental shops;

SEC. 8 Presumption of Admission. – Children found within computer rental shops, free wifi access zones, and other similar establishments who are accessing not child friendly sites and software are considered as *prima facie* proof that the free wifi access provider or the computer rental shop owner, manager, partner or attendant has consented or permitted to the access of such child. The free wifi access provider, or the owner, proprietor, manager, partner or attendant of a computer rental shop shall not be excused from liability when a child is found under the circumstances enumerated under this Act. Neither can ignorance of the presence or the true age of the child be claimed as an excuse.

Sec. 9. Proof of Age Verification. – In case of doubt as to the age of the client or costumer, the free wifi provider or owner, proprietor, manager or attendant of computer rental shop shall verify, by means of asking for any valid form of identification containing the customer's date of birth. Otherwise, they shall only allow access to a child friendly internet.

SEC. 10. Reporting and Regular Inspection of Free Wifi or Internet Zones and Computer Rental Shops. –

The Philippine National Police or the authorized persons of the barangay or any LGU concerned in the locality shall conduct regular inspection in the abovementioned places or establishments during their business hours to ensure compliance with this Act and shall make an annual written report to the Department of Social Welfare and Development (DSWD) and the Chief Executive of the Local Government Unit concerned of their findings.

Any concerned citizen may call the attention of the free wifi provider or the owner, proprietor, manager or attendant of the computer rental shop if found to be giving access that is not child friendly internet. The same citizen may report the incident to the DSWD for proper action.

SEC. 11. Penalties. – The following are the penalties for violation of any provisions of this Act;

- a. 1st offense – a fine of fifty thousand pesos (P50,000.00) for violation of any of the provisions of this Act;
- b. 2nd offense - a fine of one hundred thousand pesos (P100,000.00) for violation of any of the provisions of this Act;
- c. 3rd and succeeding offense - a fine of one hundred fifty thousand pesos (P150,000.00) and/or the revocation of business permit and license to operate, and closure of the establishment or both at the discretion of the Courts.

SEC. 12. Implementing Rules and Regulations. – The DICT, in coordination with the Council for the Welfare of Children (CWC), the DILG, LGUs, the Philippine National Police (PNP) and the National Youth Commission (NYC) shall formulate the necessary Implementing Rules and Regulations (IRR)for the efficient implementation of this Act.

The IRR shall provide the list of sites, games and other applications which are not allowed in the child friendly internet. There shall be a periodic review of sites included in the list every five (5) years.

SEC 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.

SEC. 14. Repealing Clause. – All laws, decrees, executive orders, rules and regulations, or part thereof, inconsistent with the provisions of this Act are hereby repealed.

SEC 15. Effectivity Clause. – This Act shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

APPROVED.