

REPUBLIKA NG PILIPINAS
TANGGAPAN NG SANGGUNANG PANLUNGSOD
LUNGSOD NG BAKOLOD

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CITY ORDINANCE NO. 341

October 14, 2003

AN ORDINANCE REGULATING THE OPERATIONS OF BUSINESS ESTABLISHMENTS PROVIDING INTERNET ACCESS AND SERVICES, INTERNET OR NETWORK GAMING AND SIMILAR PLACES, AND PROVIDING THE PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, we now live in a society where the world is made accessible and smaller thru the computer and Internet;

WHEREAS, the Internet is best seen as a new public communications medium, potentially on a par with the telephone system or television in ubiquity and impact. It has made global communications easier, and made information, documents and material about every one and every thing accessible to just about anybody;

WHEREAS, although computers and internet have its useful and positive uses, there are, however, growing concerns and complaints from the public, especially from the parents and schools, of children cutting classes or devoting their time and money in internet/computer establishment or other internet connected/related establishments wherein children can easily access pornographic websites, materials and other information detrimental to their proper mental, emotional, moral and social growth and well-being;

WHEREAS, City Ordinance No. 38, Series of 1987, entitled "An Ordinance Regulating the Operation of Video Computer Games within the City of Bacolod and fixing the amount of tax to be collected by the City Government of Bacolod" which regulates the operations and entry thereto to persons 16 years of age and below only from 3:00 p.m. to 7:00 p.m. with certain exceptions does not cover or include internet or network gaming and/or other computer gaming programs;

WHEREAS, places that offer internet services and gaming activities continue to sprout in Bacolod City, so that there is a need to regulate its operations, in order to promote the general welfare of its people and children.

NOW THEREFORE, PREMISES CONSIDERED, be it ordained by the Sangguniang Panlungsod of Bacolod City in session:

ARTICLE I. TITLE

This Ordinance shall be known as "**AN ORDINANCE REGULATING THE OPERATIONS OF BUSINESS ESTABLISHMENTS PROVIDING INTERNET ACCESS AND SERVICES, INTERNET OR NETWORK GAMING AND SIMILAR PLACES, AND PROVIDING THE PENALTIES FOR VIOLATIONS THEREOF.**"

It shall likewise be known in its short title as the "Internet Ordinance of the City of Bacolod."

ARTICLE II. DEFINITION OF TERMS

1. **Computer** - refers to any device or apparatus which, by electronic, electro-mechanical or magnetic impulse, or by other means, is capable of receiving, recording, transmitting, storing, processing, retrieving, or producing information, data, figures, symbols or other modes of written expression according to mathematical and logical principles or of performing any one or more of those functions.

2. **Internet** - an enormous and rapidly growing system of linked computer networks, world-wide in scope, that facilitates data communication services such as remote log-in, file transfer, electronic mail, the World Wide Web, and newsgroups. Relying in TCP/IP, the Internet assigns every connected computer a unique Internet address, also called an IP address, so that any two connected computers can locate each other on the network and exchange data.

It shall also refer to other TCP/IP-based networks that are not linked to the Internet, or to groups of local area networks (LANs) that have been connected by means of a common communications protocol and packet redirection devices called routers, so that, from the user's perspective, this group of networks seems as if it is one large network.

3. **Internet Access Provider (IAP)** - a company or consortium that provides high-speed access to the Internet to businesses, universities, non-profit organizations and Internet Service Providers (ISPs), who in turn provide Internet access to individuals. Some IAPs are also ISPs.

4. **Internet Service Provider (ISP)** - a company that provides Internet accounts and connections to individuals and businesses. Most ISPs offer a range of connection options, ranging from dial-up modem connections to high-speed ISDN. Also provided is e-mail, Usenet, assistance with publishing material on the World Wide Web.

5. **Establishments Providing Internet Access** - for purposes of this Ordinance shall refer to and include any business establishment or place of amusement primarily or secondarily engaged in the leasing, or renting of its computer units with ISP-provided Internet access for any purpose (i.e. email, chat, searching/browsing information on the World Wide Web, etc.,) other than online or network gaming.

6. **Establishments Providing Internet or Network Gaming** - for purposes of this Ordinance shall refer to and include any business establishment or place of amusement primarily engaged in the leasing, or renting of its computer units for the purpose of playing Internet [online] gaming or network gaming.

6.a **Internet [Online] Gaming** - for purposes of this Ordinance shall refer to computers which are directly connected to the Wide Area Network (WAN) that provides the online games or to the Local Area Network (LAN) thru the internet and thus consume bandwidth.

6.b **Network Gaming** - for purposes of this Ordinance shall refer to a number of computers which are interconnected with the use of a lan card and not thru the internet and does not consume bandwidth. The source of the games are directly installed to the computers or to the server.

7. **Other Similar Establishment or Place of Amusement** - for purposes of this Ordinance shall refer to and include such other business establishment or place of amusement which although not primarily engaged in providing internet access, or internet network gaming as reflected in its business permit, shall have as secondary/additional use or service, two (2) or more computer units for rent, lease, or use by its customers for internet accessing or online and/or network gaming.

8. **World Wide Web (WWW)** - a global hypertext system that uses the internet as its transport mechanism. In a hypertext system, a person navigates it by clicking on links which display another document. Incorporating hypermedia (graphics, sounds, animations and video), the Web has become the ideal medium for publishing information on the Internet.

9. **Website** - in the World Wide Web (WWW), a computer system that runs a web server, and has been set up for publishing documents on the Web.

10. **Pornography** - for purposes of this Ordinance shall refer to obscene literature, photographs, paintings, videos, etc., intended to cause sexual excitement.

11. **Pornographic Website** - a Website in the World Wide Web which has been set up for publishing pornographic documents and materials (including graphics), pictures and videos) on the Web.

12. **Firewall** - a security procedure that place a specially programmed computer system between an organization's Local Area Network (LAN) and the Internet. The firewall computer prevents hackers from accessing the internal network, and prevents the organization's computer users from gaining direct access to the Internet.

13. **Electronic Commerce (E-Commerce)** - shall refer to domestic and international dealings, transactions, arrangements, agreements, contracts and exchanges and storage of information through the use of computer of any electronic, optical and similar medium, mode, or instrumentality, and the technology to recognize the authenticity and reliability of electronic documents related to such activities.

ARTICLE IV. REGULATION OF OPERATIONS

Section 1. CONTROL MEASURES

Owners, operators or managers of all establishments defined and covered under this Ordinance shall see to it that in the operation of their business activities no public disturbance or noise shall be produced beyond the allowable limits prescribed by national laws or local ordinances.

Towards this end control measures as provided for by law or local ordinance, shall be adopted by said business establishments so as to reduce the intensity or eliminate the noise or disturbance therein.

Section 2. CUBICLES AND BOOTHS

All establishments covered under this Ordinance shall see to it that their computer units are situated in such areas that are easily accessible for public view.

The cubicles/booths that may be or are already installed by these establishments for its computer units for rent/lease shall have or be renovated to have glass walls and doors so as to provide for easy public view, as well as for easy management supervision and effective implementation of this Ordinance.

Section 3. REGULATED HOURS FOR PERSONS 16 YEARS OF AGE AND BELOW

Establishments providing internet access, or online or network gaming shall be open to persons 16 years and below not earlier than 3:00 o'clock in the afternoon and not later than 8:00 in the evening, except on Saturdays, Sundays and public holidays or unless accompanied by their parent, or guardian, or teacher.

Section 4. PROHIBITION ON ACCESS TO PORNOGRAPHIC WEBSITES AND DISPLAY OF PORNOGRAPHIC

All establishments covered under this Ordinance shall strictly observe and ensure that no person renting, leasing, or using its computers or internet facilities shall have internet access to any pornographic website, or display thru its computer monitor/television any pornographic material, photograph, video, or the like, accessed thru the Internet or other computer software or hardware programs.

Section 5. INSTALLATION OF FIREWALLS

Establishments defined and covered under this Ordinance shall install firewalls in their computer systems that would block or prevent access to any pornographic website.

Said establishments shall likewise institute other management measures in addition to Section 2 of this Article, and shall exercise utmost diligence in its operations with the end in view of seeing to it that the provisions of Section 4 of this Article are strictly complied with.

Section 6. DUTIES OF SCHOOLS

For an effective implementation of this Ordinance, all schools and educational institutions duly operating in Bacolod City shall observe the following:

- a) to include the date of birth in the Identification Cards duly issued to all their students.
- b) to institute, in coordination with their Parents Teachers Association security measures that could prevent or discouraged students from cutting classes or going out of the school premises while classes are still ongoing.

that control measures mentioned in the preceding Sections 1 to 5 are likewise instituted in their computer rooms, laboratories and libraries.

Section 7. NON-COMPLIANCE OR VIOLATION

Non-compliance or violation of the provisions of Sections 2, 3, or 4 of this Article shall subject the business establishment to a suspension of its business permit for one (1) month.

In the event that the erring business establishment again violates any of the foresaid Sections 2, 3, or 4, its business permit shall be revoked, and its owner or manager shall be subject to a penalty of imprisonment of thirty (3) days or a fine of 4,000.00 or both, at the discretion of the Court.

ARTICLE V. WARNING SIGNAGE/NOTICE

Section 1. DISPLAY OF SIGNAGE/NOTICE

All business establishments covered under this Ordinance are required to put up and display in the most conspicuous area therein, a signage informing and warning the public about the provisions of Sections 3 and 4 of Article IV hereof.

Section 2. NON-COMPLIANCE OR VIOLATION

Continued non-compliance of the business establishment of the provisions of the preceding section, despite written notice and demand from the City Government to put up and display said signage, shall be a ground for revocation of its business permit or license to operate.

ARTICLE VI. BUSINESS PERMIT FEES

Section 1. BUSINESS PERMIT/REGULATION FEES

Upon passage of this Ordinance, the Office of the City Mayor, upon the recommendation of the City Treasurer, shall submit to the Sangguniang Panlungsod for its approval and passage, thru an amendatory Ordinance to the 1993 Revenue Code of the City (C.O No. 93-001) the necessary business permit and registration fees that may be imposed upon and collected from the following establishments, to wit: (a) Internet Service Providers (ISPs), (b) Establishments Providing Internet Access, (c) Establishments Providing Internet or Network Gaming, (d) the computer unit/device being leased or rented out to the public for internet access or gaming purposes, (f) Establishments Engaged in Electronic Commerce, and (g) such other similar internet-related establishments.

ARTICLE VII. MISCELLANEOUS PROVISIONS

Section 1. OTHER INTERNET - RELATED ESTABLISHMENTS

The Sangguniang Panlungsod shall enact, as circumstances and necessity may warrant in the future, other local legislation strengthening and regulating the operations of internet - related business establishments, such as, but not limited to the following, to wit: Internet Service Providers (ISPs), City - based Web Site Operators, On-Line Communication Service Providers, those engaged in E-Commerce, or other information and Communications Technology (ICT) services, or the like.

Section 2. GOVERNING LAWS AND REGULATIONS

The provisions of Republic Act No. 8792, otherwise known as the Electronic Commerce Act of 2000, other pertinent and relevant national laws, generally accepted principles of international laws on Internet and Information and Communications Technology, and the regulations that may be issued by the Department of Trade and Industry (DTI), Department of Transportation and Communications (DOTC), National Telecommunications Commission (NTC) and the National Computer Center (NCC) on the matter, shall likewise govern the operations of all establishments defined and covered under this Ordinance, including those provided under the preceding section, that have been or will be established in the City of Bacolod.

Section 3. REPEALING CLAUSE

Any other ordinance or part thereof inconsistent with this Ordinance is hereby repealed and/or modified accordingly.

Section 4. SEPARABILITY CLAUSE

If for any reason or reason, any part or provision of this Ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected hereby shall continue to be in full force and effect.

Section 5. EFFECTIVITY CLAUSE

This ordinance shall take effect fifteen (15) days after publication thereof in a newspaper of general circulation.

CARRIED BY THE VOTE OF

Affirmative:

Councilors: Archie S. Baribar, Roberto M. Rojas, Jude Thaddeus A. Sayson, Ana Marie V. Palermo, Celia Matea R. Flor, Jose H. Gabuat, Lyndon P. Caña, Elmer T. Sy, Bobbie S. Lucasan, Greg G. Gasalaya, Reynold I. Iledan, Sonya M. Verdeflor, Arturo V. Parreño

Negative : None
 Absent : None
 Author : Councilor Ana Marie V. Palermo
 Official Leave : Councilor Marx Louie S. de la Rosa
 Passed : October 14, 2003 (Special Session)
 Comments: Passed.

RAMIRO L. GARCIA, JR.
 Vice Mayor
 Presiding Officer

TESTED:

[Signature]
 ATTY. NILO T. ALEJANDRINO
 Secretary to the Sanggunian

APPROVED: October 31, 2003

[Signature]
 LUZVIMINDA S. VALDEZ
 City Mayor

TAHPL/jemz

