

12th City Council
41st Regular Session
Series of 2000

REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
Lungsod ng Dabaw

PRESENT:

Vice Mayor Luis C. Bonguyan, Presiding Officer
Councilor Senforiano B. Alterado
Councilor Wendel E. Avisado
Councilor Gerald B. Bangoy
Councilor Pilar C. Braga
Councilor Salvador V. Caingles
Councilor Isidro S. Calonia, Jr.
Councilor Clemencia E.D. Cataluña
Councilor Allan L. Dolor
Councilor Jimmy G. Dureza
Councilor Benjamin R. Duterte
Councilor Emmanuel D. Galicia, Sr.
Councilor Rene V. Galope
Councilor Luzviminda C. Ilagan
Councilor Cornelio Cesar Q. Isaguirre
Councilor Marlene A. Librado
Councilor Paz C. Mata
Councilor Tomas J. Monteverde, IV,
Councilor Juan P. Pala, Jr.
Councilor Jose Maria Romano S. Pilay
Councilor Cornelio C. Reta, III
Councilor Pedro R. Salvador
Councilor Dioscoro B. Sampaga, Jr.
Councilor Isidro T. Ungab

ABSENT:

Councilor Nenita R. Orcullo – On Sick Leave
Councilor Myrna G. L'Dalodo-Ortiz – On Sick Leave
Councilor Martin T. Suelto – On Sick Leave

ORDINANCE NO. 106 /1837
Series of 2000

**AN ORDINANCE PRESCRIBING GUIDELINES AND
REGULATIONS ON THE OPERATION AND SERVICES OF
INTERNET CAFÉS IN DAVAO CITY AND FOR OTHER
PURPOSES**

Section 1. **TITLE OF ORDINANCE** - This Ordinance shall be called
the Internet Café Ordinance of Davao City.

Section 2. DEFINITION OF TERMS

For purposes of this Ordinance, the following terms shall be defined as follows:

1. **Internet** – refers to the interactive communication and information technology sourced through computers.
2. **Internet Café** – means a business establishment using the worldwide web or Internet system that enable users to view and interact with a variety of information accessed through a computer connected to a local area network (LAN).
3. **Internet Service Provider (ISP)** – refers to local or national network provider of Internet services.
4. **Internet User** – refers to an individual, a corporation or institution utilizing or accessing data information through the Internet for entertainment, games, advertisement, business, news and educational purposes.
5. **Accreditation** – refers to the recognition accorded to an establishment or institution that meets the standard or criteria established by a body legally constituted for the purpose.
6. **Pupils** – refer to children or minors officially enrolled in the elementary grade in any public or private educational institutions in the City.
7. **Students** – refer to individuals or persons who are officially enrolled in the secondary and tertiary levels in any public or private educational institutions in the city.

Section 3. NATURE OF INTERNET CAFÉ ESTABLISHMENT.

This section hereby explains the nature and scope of Internet Café establishment as follows:

- 3.1 - Any establishment which includes residential units with more than one computer unit offering Internet services including but not limited to, e-mail, fax, games, chatting, surfing and other such services covered by Internet technology which are accessed for a fee;
- 3.2 - Other business establishments which offer a combination of services such as food and Internet, bar and Internet recreation, Internet and other combinations are still included as Internet Café and shall be covered by this ordinance;
- 3.3 - Educational institutions, private homes and corporate entities using the Internet through an Internet Service Provider (ISP) for purposes other than business shall not fall under the category of Internet Café establishments.

- 3.4 - Internet Café establishments expanding to other lines of services such as offering short term courses which may run between one to six months and which may fall under computer programming, computer technology and other such similar courses shall apply for a permit to offer courses from the Technical Education and Skills Development Authority (TESDA).

Section 4. OPERATION OF INTERNET CAFÉ ESTABLISHMENTS

Internet Café establishments shall follow the following guidelines:

- 4.1 - Internet Café establishments are required to secure business permit and other licenses required by the local government in order to operate.
- 4.2 - Internet Café establishments which offer a combination of other services as defined in section 3.2 of this Ordinance are also required to secure business permit and other licenses, aside from the business permit secured for their original business.
- 4.3 - Internet Café establishments should not allow pupils or students to stay in their premises during schooldays from 8:00 a.m. to 5:00 p.m. unless for specific educational or study purposes such as research, data-gathering or statistical treatment. Pupils and students must show proof of their class schedule before they can be allowed to play games and chat in the Internet.
- 4.4 - Prohibited drugs, intoxicating drinks, selling of cigarettes and smoking are prohibited inside Internet Café establishments.
- 4.5 - Selling of food and meals are allowed only when Internet Café establishments have the permit to operate food vending business or selling within their premises.
- 4.6 - Internet Café establishments should not allow computer hackers or cause computer hacking to be practiced within their premises.

Section 5. GUIDELINES FOR SERVICES OFFERED

- 5.1 - The following services of Internet Café establishments are covered by this ordinance, specifically viewing, sourcing and interacting with
- 1.) magazine archives
 - 2.) public and university resources
 - 3.) current world and business news
 - 4.) advertisement and shopping
 - 5.) sports and recreational resources
 - 6.) entertainment and games
 - 7.) chatting and E-mail
 - 8.) E-commerce and various printing and documentation needs

- 5.2 - Internet gambling, nudity, excessive vulgar language, depiction of graphic sex and all other forms of lewd pictorial presentation are prohibited from being sourced, accessed or provided by Internet Café establishments and by Internet users, whether adult, minors or children. Corresponding penalty shall be meted to those violating this section.
- 5.3 - Chatting by minors which will lead to sexual exploration and experimentation with pedophiles and other sexual perverts shall be terminated by the establishment or its management at a time when it is deemed injurious to minors.
- 5.4 - Accessing of injurious materials and confidential websites of government security agencies will be under the supervision of the Internet Café management.
- 5.5 - A fixed hourly rate for Internet use to be followed by all registered Internet Cafés shall be set by the Business Bureau for purposes of uniformity and compliance. The hourly rate shall be arrived at after proper consultation with owners and/or authorized organizations of Internet Café owners.
- 5.6 - Printing and documentation such as downloading of files and data from the Internet shall be subject to a fixed rate or amount approved by the Business Bureau.
- 5.7 - For purposes of uniformity, all internet services defined in this ordinance shall have a corresponding fixed rate prescribed by the Business Bureau. Increase and other modifications of rates shall follow the process of formal application and approval by the Business Bureau.

Section 6. CONSORTIUM, LINKAGES AND NETWORKING WITH OTHER SECTORS OR AGENCIES

The following are the guidelines for consortium, linkages and networking of Internet Café establishments with other sectors or agencies:

- 6.1 - Internet Café establishments may enter into consortium with private educational institutions for the purpose of providing computer technology information to students without prejudice to its permit or license.
- 6.2 - Linkages or networking with government agencies for business purposes shall be regulated by existing applicable laws or regulations.

Section 7. ACCREDITATION OF INTERNET CAFÉ ESTABLISHMENT

Accreditation of Internet Café establishments in the City shall take the following forms and processes:

1. A body shall be created expressly for the purpose of accrediting Internet Cafes in the City;
2. This Body shall be composed of the following:
 - a. The City Mayor as Chairperson
 - b. The Chief, Business Bureau
 - c. Chairperson, Communication & Transportation Committee (City Council)
 - d. Chairperson, Education, Science and Technology, Arts and Culture Committee (City Council)
 - e. President of the Internet Café Association of Davao
 - f. Chairperson, Council for the Welfare of Children
 - g. TESDA Representative
 - h. Identified NGO with information technology-related advocacy
3. All Internet Cafe establishments are required to seek membership with the accrediting body
4. Accreditation shall be a requirement for the issuance of business permit or license to operate

Section 8. FUNCTIONS OF THE ACCREDITING BODY

The following are the functions of the accrediting Body:

- a.) Formulate policies and criteria to serve as guidelines for accreditation of Internet Cafes in the City;
- b.) Conduct monitoring, ocular inspections and other similar processes when needed in the pursuit of its functions to accredit internet cafes in the City;

Section 9. PUNISHABLE ACTS

Under this Ordinance, the following acts committed by Internet Cafes shall be deemed punishable:

1. Operating without business permit or license;
2. Operating other business in combination with Internet services without the necessary business permit;
3. Allowing pupils or students to surf or source data/information other than those needed for study or educational purposes during school days as specifically stated in Section 4.3 of this Ordinance.
4. Selling or allowing the use or consumption of prohibited drugs and intoxicating drinks within the Internet Café premises;
5. Smoking and selling of cigarettes within its premises, especially to children and minors;
6. Sourcing, accessing or providing internet users, whether adults or children, internet materials or data that would constitute gambling, graphic, sex, pornography, lewd and vulgar languages;
7. Allowing the use of Internet facilities for fraud and deceit whether of sexual or business nature, and other criminal activities, accessing injurious materials and confidential websites that are protected by the local government.

Section 10. PENALTY

Violators of this Ordinance shall suffer the following penalty:


1. A fine of P500.00 for the first offense
2. A fine of P1,000.00 for the second offense
3. A fine of P2,000.00 for the third offense or revocation of business permit by the Mayor or both;

Section 11. EFFECTIVITY.

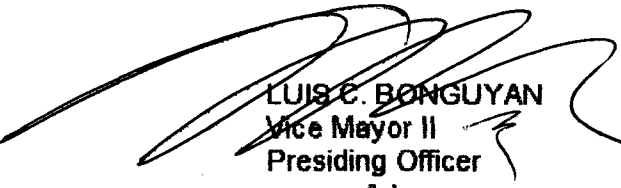
This ordinance shall take effect fifteen (15) days after publication in any local newspaper of general circulation.

ENACTED, November 28, 2000 by a majority vote of all the Members of the Sangguniang Panlungsod.

CERTIFIED CORRECT:


LOLITA C. GARCIA
Secretary to the Sangguniang Panlungsod
(City Government Department Head II)

ATTESTED:


LUIS C. BONGUYAN
Vice Mayor II
Presiding Officer
/s/

ADOPTED: Jan. 5, 2001


BENJAMIN C. DE GUZMAN
City Mayor

ATTESTED:


NESTOR M. LEDESMA
City Administrator