



Republic of the Philippines
Province of Pangasinan
MUNICIPALITY OF URBIZTONDO
OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE RECORD OF PROCEEDINGS OF THE 46th REGULAR SESSION OF THE SANGGUNIANG BAYAN OF URBIZTONDO, PANGASINAN, HELD ON NOVEMBER 14, 2016, AT THE LEGISLATIVE HALL

Present:

Vice Mayor Marilyn S. Sison	Presiding Officer
Coun. Dyna P. de Guzman	Member
Coun. Zenaida P. Espinosa	Member
Coun. Edwin T. Tamondong	Member
Coun. Danilo M. Tamondong	Member
Coun. Pepito N. Calugay	Member
Coun. Vicente A. Frias, Jr.	Member
Coun. Brandy M. Palisoc	Member
Coun. Mirla D. Balolong	Member (ABC Pres.)

Absent:

Coun. Volter D. Balolong	Member (OB)
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MUNICIPAL ORDINANCE NO. 2 - 2016

Authored by: Coun. Danilo M. Tamondong

ORDINANCE REGULATING THE OPERATION AND MAINTENANCE OF COMPUTER RENTAL SHOPS, INTERNET CAFES AND OTHER ESTABLISHMENTS OFFERING COMPUTER SERVICES TO MINORS IN THE MUNICIPALITY OF URBIZTONDO AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

WHEREAS, parents and guardians of minors have complaints that their young children frequently loitering in the computer rental shops, internet cafes and other similar establishments during the period when they are supposed to be in their classrooms studying their lessons;

WHEREAS, the operation of these computer rental shops, internet cafes and other similar establishments has attracted minors, absenting themselves or escaping from their classes in order to play computer or video games, or surf the internet for some illegal and immoral cyber activities through the use of the computer;

WHEREAS, the indiscriminate toleration by owners and/or operators of said computer rental shops, internet cafes and other similar establishments and allowing young students to enter their premises to play or surf the internet during their school period has greatly affected their studies, thereby contributing to the moral debilitation of the youth;

WHEREAS, minors waste hard-earned money by spending their schooling allowances on such establishments and some even resort to stealing and other ill activities which destroys the very character of the youth;

WHEREAS, there is a need to prevent minors from loitering, playing offline or online video games, and browsing the internet in computer rental shop, internet cafes and other similar establishments during school hours and school days;

WHEREAS, there is a need to prevent minors from excessively playing online and offline video games and access the internet in computer rental shops, internet cafes and other similar establishments on non-school days;

WHEREAS, there is a need to protect and promote the physical, moral, intellectual, and social well-being of the youth by regulating the access of minors to computer rental shops, internet cafes, and other similar establishment, in order to promote the education and welfare of the youth without compromising the interests of legitimate businesses;

WHEREAS, there is an urgent and imperative necessity to regulate the operation and maintenance of computer rental shops, internet cafes, and other establishments offering computer services to minors in the municipality.



NOW THEREFORE, on motion of Coun. Danilo M. Tamondong and was unanimously seconded, Be it ordained by the Sangguniang Bayan of Urbiztondo, Pangasinan in regular session assembled that:

SECTION 1. DEFINITION OF TERMS.


- 1.1 **Cancelled Schooldays** – refers to days when students are normally required to attend regular classes but were cancelled as declared by the President, the Commission on Higher Education, the Department of Education, the Local Government Unit within their respective jurisdictions, or other government and educational agencies authorized by law to declare suspension of regular classes.
- 1.2 **Computer Games** – various types of games that may be accessed through the computer/internet or a Coin Operated Internet Machine, commonly known as “Piso-piso” which refers to stand alone arcade system with a computer and internet connection which can be accessed through inserting any coin denomination.
- 1.3 **Computer Rental Shops** – refers to a business establishment with two 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.
- 1.4 **Cybergambling** – gambling through the use of a computer of the internet.
- 1.5 **Cyberpornography**- an act or picture that is designed only to arouse the prurient interest of an individual through use of a computer or webcam through the internet.
- 1.6 **Cybersex** – shall mean the exchanging of sexual messages or chat or information via the internet or sexual activity performed in cyberspace using web cameras or other computer paraphernalia by means of virtual reality equipment.
- 1.7 **Cyberviolence** – violence through the use of a computer, usually experienced in computer games or internal games that are too realistic, with vivid and gory details of blood, chopped limbs and the like.
- 1.8 **Holidays** – refers to legal and special holidays as declared by law, local special holidays as declared by Local Government Units within their respective jurisdictions, and religious holidays as declared by the minors’ respective educational institutions.
- 1.9 **Internet Café** – refers to a place of business that has a number of networked personal computers with access to the internet for browsing, chatting, emailing, and research and available for use by customers for a fee. It may serve coffee, similar refreshments, and food.
- 1.10 **Minor** – refers to all persons below (18) years of age.
- 1.11 **Other Establishment Offering Access to Internet** – any business entity also engaged in offering internet access to its customer, through WIFI or Local Area Network (LAN) whether for profit or not, without leasing out computer units.
- 1.12 **Owners or Operators** – refers to persons who own, manage, operate or supervise the business operation of computer rental shops, internet cafes and other establishments offering computer services, including, but not limited to proprietors, lessees and the like.

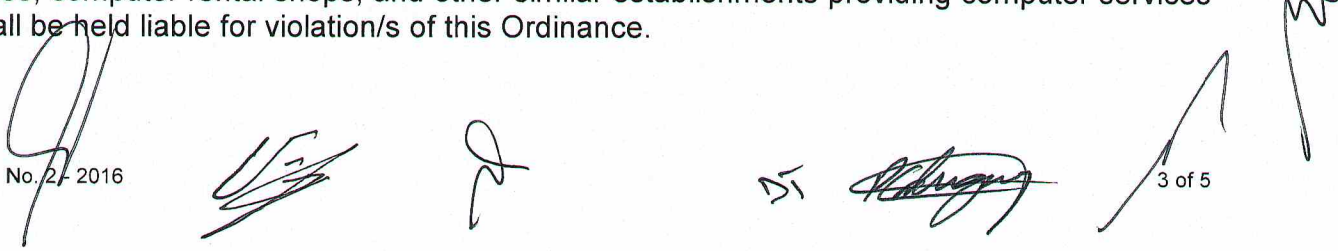
- 1.13 **School Days** – refer to any day, from Monday to Friday, covered by the regular school year, excluding the semestral break, Christmas and summer vacations, legal and special holidays;
- 1.14 **School Hours** – refer to the time within a day where students are required to attend school as determined by the Department of Education, the Commission on Higher Education, or the Local Government Unit concerned.

SECTION 2. REGULATORY PROVISIONS.

- 2.1 All owners and/or operators of internet cafés, computer rental shops, and other similar establishments providing computer services in the municipality are hereby prohibited from admitting minors in their premises, permitting, inducing and/or abetting them to play video games, computer games and other similar games inside their establishments during school days from Monday to Friday from 7:00 A.M. to 11:30 A.M. and 1:00 P.M. to 4:30 P.M..
- 2.2 In relation to Section 2.1, all owners and/or operators of internet cafés, computer rental shops, and other similar establishments providing computer services in the municipality shall allow students to enter their establishments from 11:30 A.M. to 1:00 P.M. to do academic-related research works only.
- 2.2 The owner, proprietor, manager or attendant of internet cafés, computer rental shops, and other similar establishments providing computer services shall be strictly prohibited from admitting or allowing minors to be present or to use the computer facilities inside their establishment during weekdays, weekends, holidays, cancelled schooldays and during vacation between the period of 10:00 P.M. to 7:00 A.M..
- 2.3 All owners and/or operators of internet cafés, computer rental shops, and other similar establishments providing computer services in the municipality are hereby prohibited from permitting, inducing and/or abetting them to surf the internet for cyberpornography, cyberviolence, cybergambling and cybersex inside their establishments.
- 2.4 All owners and/or operators of internet cafés, computer rental shops, and other similar establishments providing computer services in the municipality are hereby required to provide lock out system or disable internet sites that are inappropriate for minors (e.g. sites for cyberpornography, cyberviolence, cybergambling and cybersex). 
- 2.5 No owners and/or operators of internet cafés, computer rental shops, and other similar establishments providing computer services shall be allowed to operate unless they secure from the Municipal Mayor the required business permit and register the number of units of video games and computer machines.
- 2.6 All owners and/or operators shall post signs with the words "**Off-limits**" to **Minors on School Days from 7:00 A.M. to 11:30 A.M. and 1:00 P.M. to 4:30 P.M.** (with the size of at least one meter by half meter) and "**Surfing the internet for cyberpornography, cyberviolence, cybergambling and cybersex is strictly prohibited**" (with the size of at least one meter by half meter) to be conspicuously displayed on every entrance and at least one inside subject establishments. Non-compliance and unauthorized removal of such signs are punishable. 

SECTION 3. PERSONS LIABLE UNDER THIS ORDINANCE.

The proprietors, managers and/or person in-charge of the business operation of internet cafés, computer rental shops, and other similar establishments providing computer services shall be held liable for violation/s of this Ordinance. 



SECTION 4. IMPLEMENTING OFFICE

The Urbiztondo Philippine National Police, the lead agency, and the barangay officials including barangay tanods duly deputized by the Municipal Mayor within their respective territorial jurisdiction shall be responsible in the implementation of this Ordinance.

The lead agency and the deputized officials shall conduct regular inspection in the above mentioned establishments during their business hours to ensure compliance with this Ordinance and shall make a quarterly report to the Municipal Mayor of their findings.

SECTION 5. PROOF OF AGE VERIFICATION



In case of doubt as to the age of the client/customer, the owners, proprietors, managers or attendants of internet cafés, computer rental shops, and other similar establishments providing computer services shall verify by means of any valid form of identification containing the date of birth of the bearer otherwise, they must refuse admission in order to ensure that no minor is allowed access to said establishments.

SECTION 6. PENALTIES.

Violation of this Ordinance shall be punished in accordance with the following penalties, to wit:

- 6.1 First Offense – fine of not less than ₱1,500.00 and suspension of operation for 15 days.
- 6.2 Second Offense – fine of ₱2,000.00 and suspension of operation for 30 days.
- 6.3 Third Offense – fine of ₱2,500.00 and immediate revocation and cancellation of business and Mayor's permit and permanent closure of the establishment.

SECTION 7. EXEMPTING CLAUSE.

- 7.1 Minor-age college students doing academic-related research works in establishments covered by this ordinance are hereby exempted from its application. Provided, however, that a certification therein duly signed by his/her adviser or teacher/professor or the registration card of the student indicating the schedule of classes shall be required to be presented to the proprietors, managers and/or persons in-charge of the business operation of the video games, computer rental shops, internet cafes and other similar establishments. 
- 7.2 Any internet cafés, computer rental shops, and other similar establishments providing computer services that allow a minor to enter and use its computer facilities during school days or within school hours, shall not be covered by this Ordinance, provided, that the minor is accompanied by his/her parents or legal guardian;
- 7.3 Any internet cafés, computer rental shops, and other similar establishments providing computer services that allow a minor to enter and use its computer facilities during weekdays, weekends, holidays, cancelled schooldays and during vacation between the times of 10:00 P.M. to 7:00 A.M shall not be covered by this Ordinance, provided, that the minor is accompanied by his/her parents or legal guardian; 

SECTION 8. SEPARABILITY CLAUSE.

If, for any reason or reasons, any provision of this ordinance is declared invalid or unlawful, the remaining provisions not affected thereby shall continue to be in full force and effect.

SECTION 9. REPEALING CLAUSE.

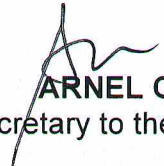
All ordinances or parts thereof, provisions of which are inconsistent with or contrary to the provisions of this ordinance are hereby repealed, amended, or modified accordingly.

SECTION 10. EFFECTIVITY.

This ordinance shall take effect upon favorable review and approval of the Sangguniang Panlalawigan and fifteen (15) days after its publication in a newspaper of local circulation pursuant to and in conformity with pertinent provisions of the Local Government Code of 1991/Republic Act No. 7160.

ENACTED and PASSED this 14th day of November, 2016.

I HEREBY CERTIFY to the correctness of the foregoing.


ARNEL C. RUFO
Secretary to the Sanggunian

CONCURRED:


COUN. DYNA P. DE GUZMAN


COUN. ZENAIDA P. ESPINOSA


COUN. EDWIN T. TAMONDONG


COUN. DANILO M. TAMONDONG


COUN. PEPITO N. CALUGAY


COUN. VICENTE A. FRIAS, JR.


COUN. BRANDY M. PALISOC


COUN. MIRLA D. BALOLONG

ATTESTED:


VICE MAYOR MARILYN S. SISON
Presiding Officer

APPROVED:


MAYOR MARTIN RAUL S. SISON, II