



Republic of the Philippines
SANGGUNIANG PANLUNGSOD
City Government of Pasig

Ordinance No. 57
Series of 2017

ORDINANCE AMENDING CITY ORDINANCE NO. 05, SERIES OF 2013 ON THE ORDINANCE REGULATING THE ESTABLISHMENT AND OPERATION OF INTERNET CAFÉ, COMPUTER RENTAL SHOPS AND COMPUTER GAMING SHOPS OR CENTERS IN THE CITY OF PASIG AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

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WHEREAS, worldwide advances in information technology have greatly contributed to the proliferation of internet establishments throughout the country;

WHEREAS, the operation and growth of these establishments has been inadequately regulated and largely uncontrolled resulting in the rise of pornography and related problems in the internet;

WHEREAS, there is an urgent need to regulate and check the entry of minors/students to internet cafes or computer rental shops and computer gaming shops or centers as excessive playing or entertainment therein especially during school hours is an unnecessary distraction that can jeopardize their academic performance and advancement.

WHEREAS, Section 16 of the Local Government Code of 1991 provides that,

... "Every Local Government Unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare..."

WHEREAS, Section 458, (a) of the same Code provides that:

... "The Sangguniang Panlungsod, as the legislative body of the city, shall enact Ordinance ... for the general welfare of the city and its inhabitants ... and shall ...

.. (iv) Regulate the establishment, operation and maintenance of cafes, restaurant, ... and other similar establishments ..."

NOW THEREFORE BE IT ORDAINED, AS IT IS HEREBY ORDAINED by the Sangguniang Panlungsod of Pasig, in session duly assembled that:

Section 1. The City Government hereby regulates the establishment and operation of internet cafes, computer rental shops and computer gaming shops or centers in the City of Pasig.



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Section 2. Definition of Terms.

- a.) **PERSON** – any natural or juridical entity.
- b.) **MINOR** – a person below 18 years old.
- c.) **INTERNET** – the worldwide system of computer networks in which a user at any one computer can directly get information from any other computer in the network.
- d.) **COMPUTER PORNOGRAPHY** – the visual representation or images showing prohibited acts mentioned in Section 7(a) hereof through electronic devices or means including but not limited to the following means including but not limited to the following digital camera-equipped mobile phones, webcam or similar gadget with the end in view of satisfying a person's lust or sexual desire regardless of geographic location.
- e.) **WEBCAM** – a video or digital camera, usually attached directly to a computer, designed to take photographs or images and transmit them over the internet.
- f.) **LAN (Local Area Network)** – a group of computers with associated devices that share common communication line and typical share resources and data within a small geographic area.
- g.) **PORNOGRAPHIC SITE** – a website with display of erotic behavior intended to cause sexual excitement.
- h.) **SATANIC SITE** – the sinister, devilish, wicked, evil and fiendish web site on the internet.
- i.) **VIOLENT SITE** – a website on the internet which downloads brutal, furious, vicious and violent materials.
- j.) **SURFING** – the act of exploring a sequence of websites in a random or unplanned manner.
- k.) **BCEO** – Batas ng Ciudad Enforcement Office.

Section 3. COVERAGE. This Ordinance shall cover the following:

- a.) Any business establishment with more than one (1) computer unit, offering for a fee, services including but not limited to e-mail, games, chatting, surfing, research and other related services which require the use of computers and access to the internet. These business establishments are classified as internet cafes or computer rental shops/computer gaming shops or centers.



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- b.) Other business establishments which offer a combination of services and items such as food and internet, recreation and other similar business fusions requiring the use of computers and access to the internet, such as cyber cafes, arcades, lounges and other similar establishments.

Section 4. CLASSIFICATION OF COMPUTER SHOPS. Computer shops are hereby classified as follows:

- a.) **INTERNET CAFÉ** – a place of business that has a number of networked personal computers with access to the internet for surfing, chatting, e-mailing 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 café, arcades, lounges – **NO GAMING ALLOWED**
- b.) **COMPUTER GAMING SHOP OR CENTER** – an establishment with two or more computers connected to a local area network that exclusively offers either on line games (connected to the internet or LAN games (not connected to the internet. **EXCLUSIVELY FOR GAMING ONLY.** Operates only on weekdays from 4:00 p.m. to 12:00 n.m.; Saturdays, Sundays and Holidays from 8:00 a.m. to 12:00 m.n. (Except to minors who shall only be admitted until the regular start of curfew hour (10:00p.m.) as stated in the City Ordinance No. 55, Series of 1999. Owners shall provide signage, tarpaulins and the like on the frontage of such shops or establishments indicating operating hours.
- c.) **COMPUTER RENTAL SHOP** – a business establishment with two (2) or more computer units that offer internet services, typing, printing services and gaming shop or center. Operating time, same as Computer Gaming Shop or Center.

Section 5. REQUIREMENTS. In securing business license, any person who shall establish and operate an internet café, computer rental shop and computer gaming shop or center is required to submit the following documents to the Business Permits and License Office (BPLO):

- a. Barangay Clearance
b. Residence Certificate of Applicant
c. Homeowners Association Clearance (if located inside subdivision) or Urban Poor Development Office Clearance (if located in settlement areas)

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- d. Sanitary Permit from the City Health Office
- e. Fire Safety Clearance from Bureau of Fire Protection
- f. Contract of Lease, business permit of lessor (if leased)
- g. Other documents as may be required by the BPLO

Section 6. BUILDING SPECIFICATIONS. Internet cafés or computer rental shops or centers must comply with the following building specifications:

- a. Proper ventilation (as may be specified by the City Engineering Office)
- b. Front Wall Panel should be transparent (free from any obstruction) to allow a clear view of the interior of the establishment.
- c. Adequate lighting both inside and outside of the establishment to allow a clear view of the interior at all times.
- d. No enclosed cubicles.

Section 7. PROHIBITED ACTIVITIES. The following acts are hereby prohibited among customers inside internet cafés, computer rental shops and computer gaming shops or centers.

- a. Perform or exhibit in front of a digital camera, computer video camera, camera equipped-mobile phones, webcam and the like, any of the following acts, either for free or for consideration, promise or reward:
 - a.1) Actual or simulated sexual intercourse, including genital-genital, oral-genital, oral-anal, whether between the same or opposite sex.
 - a.2) Bestiality (sexual relations with an animal)
 - a.3) Masturbations.
 - a.4) Sadistic or masochistic abuse.
 - a.5) Use of vibrator or any instrument where the genitals, breast or pubic area of any person is exhibited.
 - a.6) Watching somebody performing activities from (a.1) to (a.5)
 - a.7) Other activities which are of similar nature.
- b. Surf the internet at websites which contain pornographic or lewd materials, satanic/violent materials or those that advertise or promote prostitution;
- c. Produce, distribute, and transmit images or visual representation depicting the above-cited prohibited acts in paragraph (a) above.

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- d. Use, consume or trade prohibited drugs, intoxicating liquor/beverages, within the premises.
 - e. Gamble on-line and/or bet among customers inside the premises.
 - f. In case of students of minor age, the following acts are likewise prohibited.

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- f.1. Entering the premises wearing school uniform (except students who doing research work/school work in internet cafés or computer rental shops during vacant/free school hours).

- f.2. Entering the premises during school hours (except students who will be doing research work/school work in internet cafés or centers) are strictly prohibited from admitting students during school hours.

- f.3. Entering the premises without any credible identification (ID) card and official class schedule duly issued and certified to by the Registrar's Office.

- g. For both students and out-of-school youth of minor age, entry into the premises during curfew hours as per Ordinance No. 55, Series of 1999 is likewise prohibited, except when accompanied by a parent or owners/proprietors/managers of internet cafés, computer gaming shops or centers are required to perform and observe the following measures in their operation.

- a. Ensure strictly that customers comply with Section 7 of this Ordinance. The ID of all customers and class schedules of students (minor) must be checked as basis for allowing them to enter the premises and to identify users of the internet to monitor viewed content and for crime prevention purposes.
- b. Display necessary warning signs against access to pornographic and on-line gambling sites like "INTERNET PORNOGRAPHY AND ON-LINE GAMBLING ARE PROHIBITED".
- c. Install filtering software to block or deny access to all pornographic and on-line gambling sites.

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Section 8. STUDENTS' CLASS SCHEDULE. Any student of minor age who shall enter internet cafés or computer gaming shops or centers must present his school ID card and class schedule issued by and certified to by his school's Office of the Registrar.

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Section 9. REGULAR INSPECTION/VISIT. Any representative from BPLO, BCEO and Philippine National Police Pasig City (PNP Pasig), shall conduct regular inspection of above mentioned establishments during their business hours to ensure compliance with this Ordinance. It shall recommend appropriate measures to be applied and observed to prevent the violation of this Ordinance.

In case of complaints received from any concerned citizen against an internet café or computer gaming shop or center, the inspection team shall act within seven (7) days and submit a report thereon to the local chief executive no later than fifteen (15) days from the first inspection day.

Section 10. PENALTIES. The following are the penalties for the violation of this Ordinance.

- a. Owners/proprietors/managers of internet cafés or computer gaming shops or centers shall be penalized by a fine of P5,000.00 for violation of any of the provisions of this Ordinance, without prejudice to the filing of the appropriate action in court for violation of this Ordinance in the first offense.
- b. In the second offense owner/proprietors/managers of the internet café or computer gaming shop or centers shall be penalized by a fine of Ten (10) Thousand Pesos (P10,000.00), without prejudice to the filing of the appropriate action in court.
- c. Revocation of business permit and license to operate and closure of the establishment shall be meted for violators on the third offense. Renewal will only be granted upon compliance with all the provisions of this Ordinance.
- d. Any person who shall perform or commit any of the acts enumerated under Section 7 (a) hereof shall be penalized by a fine of P3,000.00 without prejudice to the filing of appropriate action in court. Provided that, in case the performer, actor or exhibitor is a minor, he/she shall be considered a victim pursuant to the provision of the "Special Protection of Children against Child Abuse, Exploitation and Discrimination Act" and placed under protective custody as provided in said Act.

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- e. Minors who violate Section 7 (f) shall be turned-over to their parents/guardians. A report of the violation shall be furnished to the school principal for erring students (minors) for disciplinary action.
- f. Minors who violate Section 7 (g) shall be penalized by a fine of P1,000.00 to be paid by their parents or guardian. In case of incapacity to pay the fine, the parents / guardian shall render four (4) hours of community service.

Section 11. PARENTAL AUTHORITY AND CUSTODY. When there is probable cause to believe that the mother, father, or guardian induced/encourage the minor to engage in internet pornography, the Department of Social Welfare and Development – Pasig City (DSWD-Pasig City) shall temporarily assume custody and parental authority over the minor.

Section 12. DISPOSITION OF MATERIALS. The equipment used in the production/showing/printing of obscene and pornographic materials, shall be confiscated/exhibited/shown thereby shall be determined by the Court. Any destruction of materials and equipment used/shown/exhibited in the lewd exhibitions ordered by the Court shall be witnessed by representative/s of the Office of the Mayor.

Section 13. IMPLEMENTING AGENCIES. Any of the following offices, the Philippine National Police-Pasig (PNP-Pasig), Batas ng Ciudad Enforcement Office (BCEO) and Barangay Governments, in coordination with the Business Permit and License Office (BPLO), the Engineering Department, the DSWD-Pasig City and the Department of Education-Pasig City (Dep-Ed-Pasig City) shall implement this Ordinance.

Section 14. IMPLEMENTING RULES AND REGULATIONS. The Office of the Local Chief Executive shall formulate the necessary Implementing Rules and Regulations for the efficient and effective implementation of this Ordinance.

Section 15. SEPARABILITY CLAUSE. Should any section or provision of this Ordinance be declared as unconstitutional or invalid, other provisions which are not affected thereby shall continue to be in full force and effect.

Section 16. REPEALING CLAUSE. All other existing resolutions, ordinances or rules which are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed or modified accordingly.

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Section 17. EFFECTIVITY. This Ordinance shall take effect thirty (30) days after its approval and dissemination to all concerned including all private and public schools in the City of Pasig.

APPROVED, this 26th day of **October 2017** at Pasig City.

VICTOR MA. REGIS N. SOTTO
Councilor

RODRIGO A. ASILO
Councilor

GREGORIO P. RUPISAN JR.
Councilor

MARIO C. CONCEPCION JR.
Councilor

RHICIE GERARD T. BROWN
Councilor

ORLANDO R. BENITO
Councilor

ALEJANDRO E. SANTIAGO
Councilor

CORAZON M. RAYMUNDO
Councilor

REGINO S. BALDERRAMA
Councilor

ROSALIO D. MARTIRES
Councilor

CELESTINO U. CHUA
LIGA President

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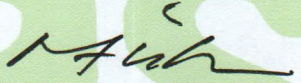
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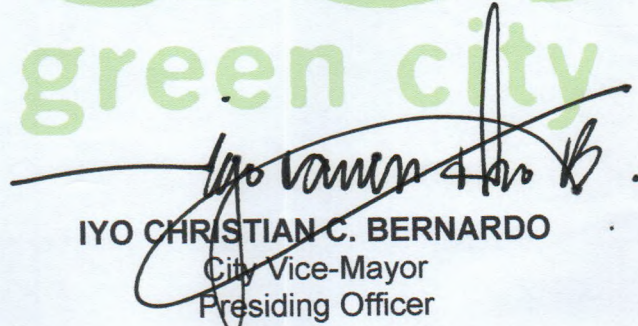
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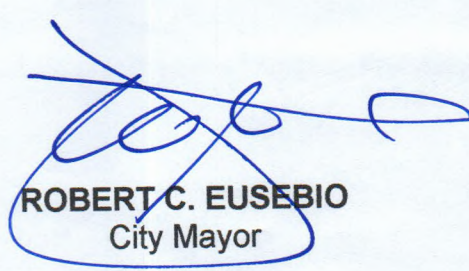

FERDINAND A. AVIS
Councilor
Minority Floor Leader


WILFREDO F. SITYAR
Councilor
Majority Floor Leader

Attested by:


IYO CHRISTIAN C. BERNARDO
City Vice-Mayor
Presiding Officer

APPROVED:


ROBERT C. EUSEBIO
City Mayor

Attested by:


REYNALDO R. SAN BUENAVENTURA III
Acting City Council Secretary