



SENATE

\*19 JUL 24 A11:36

S. B. No. 728

REC'D BY J

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Introduced by SEN. SHERWIN T. GATCHALIAN

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**AN ACT**

**REGULATING THE OPERATION AND MAINTENANCE OF INTERNET CAFES,  
OR COMPUTER RENTAL SHOPS, AND OTHER ESTABLISHMENTS  
OFFERING COMPUTER SERVICES TO MINORS, PROVIDING PENALTIES  
FOR VIOLATION THEREOF, AND FOR OTHER PURPOSES.**

**EXPLANATORY NOTE**

The Internet has become the most popular source of information used by the general public today. The world is literally at the tip of your fingertips when you browse the Internet. The Internet has allowed the dissemination of information to be readily available to the public. As such, it has become a valuable tool for research and study used by not only students of the Philippines but also the general public as well.

Although the use of the Internet in the Philippines is quite popular, research shows that majority of households in the country do not have Internet access at home and in most cases do not even own a computer at home. For this reason, the Philippines ranks among the top countries in South East Asia where Internet cafes and computer shops are extremely popular. These establishments have allowed those without Internet access at home to be able

to use the Internet and conduct work on a computer.

The proliferation of these establishments has become a double edged sword because on one hand, they have allowed the masses to obtain and acquire information from the Internet and conduct work on a computer without having to invest in a computer or internet access at home. But on the other hand, most, if not all of them, also provide entertainment to their customers through computer games that are played online, offline, or over a local area network. These games are usually played by minors.

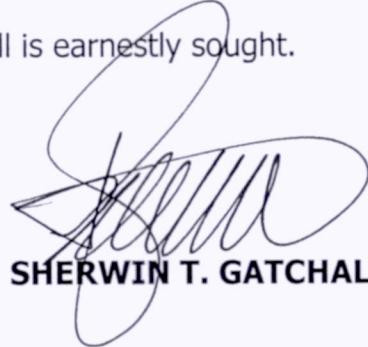
Being that minors have an impressionable mind, these games occupy so much of their mind that it has become prevalent that minor students become addicted to these games and their school work suffers from too much preoccupation with video games. Instead of using the Internet positively for research or school work, most minors go to the computer shops to play games instead. Alarmingly, these establishments are located near schools regularly visited by minor students even during regular class hours and visits often last late into the night, exposing them to danger during those hours. Unscrupulous and irresponsible computer shop owners have allowed and tolerated minors to avail of their services even during class hours and even allow them to play into the late hours of night in exchange for a quick profit without thought to the negative effects of excessive gaming to the welfare and safety of the minors.

Internet cafes and computer shops have been inadequately regulated, especially with regard to the protection of minors who patronize these establishments. Section 13, Article II of the 1987 Constitution provides that "[t]he State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being". How will the youth realize their role in nation-building when the excessive playing of video games in these establishments hinders their development and education? The youth will not be able to realize their potential when majority of their time is spent inside computer shops playing games

instead of studying.

This bill aims to regulate and limit the access of minors to Internet cafes and computer shops in line with the constitutional mandate of the State and its police power to protect and preserve the public good and welfare of the people.

In view of the foregoing, the approval of this bill is earnestly sought.



**SHERWIN T. GATCHALIAN**

EIGHTEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES  
*First Regular Session*

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Senate  
Office of the Secretary

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OFFERING COMPUTER SERVICES TO MINORS, PROVIDING  
PENALTIES  
FOR VIOLATION THEREOF, AND FOR OTHER PURPOSES.**

*Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:*

1        SEC. 1. ***Short Title.*** - This Act shall be known as the "Internet Café Regulation Act."

3        SEC. 2. ***Declaration of Policy.*** - It is hereby declared the policy of  
4        the State "to protect and promote the physical, moral, intellectual, and social  
5        well-being of the youth." Pursuant to this, the State shall regulate the access  
6        of minors to internet cafes, computer rental shops, and other similar  
7        establishments, in order to promote the education and welfare of the Filipino  
8        youth, without compromising the interests of legitimate businesses.

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

10      a) Prevent minors from loitering, playing offline or online video games,

1 and browsing the Internet in computer rental shops during school  
2 hours and school days;

- 3 b) Prevent minors from excessively playing online and offline video  
4 games and access the internet in computer rental shops on non-  
5 school days;  
6 c) Protect the safety of minors by limiting the time period within which  
7 they may be allowed access to computer rental shops.

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

- 10 a) "*Cancelled Schooldays*" refer to days when students are normally  
11 required to attend regular classes but were cancelled as declared by  
12 the President, the Commission on Higher Education, the Department  
13 of Education, the Local Government Unit within their respective  
14 jurisdictions, or other government and educational agencies  
15 authorized by law to declare suspension of regular classes;  
16 b) "*Computer Rental Shops*" refer to a business establishment with two  
17 (2) or more computer units that offers Internet services, typing,  
18 printing services, online and offline video games, or video games  
19 played over a local area network;  
20 c) "*Holidays*" refer to legal and special holidays as declared by law,  
21 local special holidays as declared by Local Government Units within  
22 their respective jurisdictions, and religious holidays as declared by the  
23 minors' respective educational institutions;  
24 d) "*Internet*" refers to the worldwide system of computer networks in  
25 which a user at any one computer can directly obtain information  
26 from any other computer in the network;  
27 e) "*Internet Cafe*" refers to a place of business that has a number of  
28 networked personal computers with access to the internet for  
29 browsing, chatting e-mailing, and research and available for use by  
30 customers for a fee. It may or may serve coffee, similar refreshments,  
31 and food. Also included are cyber cafes, arcades, and lounges;  
32 f) "*Minor*" refers to a person below 18 years of age;

- 1 g) "*Person*" refers to an individual, partnership, corporation, or any other  
2 business or legal entity;
- 3 h) "*School Days*" refer to the days when students are required to attend  
4 regular classes normally Mondays to Fridays, excluding legal and  
5 special holidays as declared by law;
- 6 i) "*School Hours*" refer to the time within a day where students are  
7 required to attend school as determined by the Department of  
8 Education, the Commission on Higher Education, or the Local  
9 Government Unit concerned;
- 10 j) "*Vacation*" refers to days between academic school years, when  
11 students and instructors are off school for a period of eight (8) weeks  
12 or more, as determined or otherwise authorized by the Commission on  
13 Higher Education or the Department of Education;
- 14 k) "*Weekends*" refer to Saturdays and Sundays.

15 SEC. 5. ***Prohibited Acts.*** -

- 16 a) The owner, proprietor, manager, or attendant of internet cafes,  
17 computer rental shops, and other similar establishments providing  
18 computer services shall be strictly prohibited from admitting or  
19 allowing minors within school hours and during school days as  
20 determined by the Department of Education, the Commission on  
21 Higher Education or the Local Government Unit concerned to enter  
22 and use the computer facilities in their establishments;
- 23 b) The owner, proprietor, manager or attendant of Internet cafes,  
24 computer rental shops, and other similar establishments providing  
25 computer services shall be strictly prohibited from admitting or  
26 allowing minors to be present or to use the computer facilities inside  
27 their establishments during weekends, holidays, cancelled schooldays  
28 and during vacation between the period of 7:00 pm to 7:00 am.

29 SEC. 6. ***Exceptions to this Act.*** - Authorized purposes or activities  
30 for minors:

- 31 a) Any internet cafe, computer rental shop, and other similar  
32 establishments that allow a minor to enter and use its computer

1 facilities during schooldays but after the designated school hours,  
2 shall not be covered by this Act: *Provided*, That the minor presents an  
3 identification card and a written permit or clearance signed by the  
4 parent of the minor or either the school principal or teacher in charge  
5 of a minor student permitting him or her to utilize the computer  
6 facilities in their establishment: *Provided, further*, That in no case  
7 however, shall the minor be allowed to stay inside the establishment  
8 beyond 7:00pm unless accompanied at all times by his/her parent or  
9 legal guardian;

- 10 b) Any internet cafe, computer rental shop, and other similar  
11 establishments that allow a minor to enter and use its computer  
12 facilities during schooldays or within school hours, shall not be  
13 covered by this Act, *Provided*, That the minor is accompanied at all  
14 times by his/her parent or legal guardian;
- 15 c) Any Internet cafes, computer rental shops, and other similar  
16 establishments that allows a minor to enter and use its computer  
17 facilities during weekends, holidays, cancelled schooldays and during  
18 vacation between the times of 7:00 pm to 7:00 am shall not be  
19 covered by this Act, *Provided*, That the minor be accompanied at all  
20 times by his/her parent or legal guardian;

21       **SEC. 7. *Presumption of Admission.*** - Minors found within internet  
22 cafes, computer rental shops, and other similar establishments are to be  
23 considered as *prima facie* proof that the owner, proprietor, manager, partner,  
24 or attendant has consented or permitted to the entry of such minors. The  
25 owner, proprietor, manager, partner, or attendant shall not be excused from  
26 liability when a minor is found under the circumstances enumerated under  
27 this Act nor can he or she claim ignorance of the presence or the true age of  
28 the minor.

29       **SEC. 8. *Duties and Responsibilities of Owners, Proprietors,***  
30       ***Managers or Attendants of Internet Cafes or Computer Rental***  
31       ***Shops.*** - Owners, proprietors, managers, or attendants of internet cares or  
32 computer rental shops are hereby required to perform and undertake the

1 following measures in the operation of their business:

- 2 a) To post in their establishments, in a conspicuous area, a clear and  
3 readable sign that indicates that no minors are allowed within the  
4 premises during school days and school hours as well as within the  
5 time of 7:00 pm to 7:00 am during weekends, holidays, cancelled  
6 schooldays, and during vacation;
- 7 b) To be vigilant in the inspection of identification cards of their patrons  
8 and ensure that no minor be allowed in their establishments during  
9 the prohibited periods mentioned.

10 SEC. 9. ***Proof of Age Verification*** - In case of doubt as to the age of  
11 the client/customer, the owners, proprietors, managers or attendants of  
12 Internet cafes or computer rental shops shall verify, by means of any valid  
13 form of identification containing the date of birth of the bearer otherwise,  
14 they must refuse admission in order to ensure that no minor is allowed  
15 access to said establishments.

16 SEC. 10. ***Regular Inspection of Internet Cafes or Computer***  
17 ***Rental Shops.*** - The Philippine National Police or the authorized persons of  
18 the Local Government Unit concerned in the locality shall conduct regular  
19 inspection in abovementioned establishments during their business hours to  
20 ensure compliance with this Act and shall make an annual written report to  
21 the Department of Social Welfare and Development and the Chief Executive  
22 of the Local Government Unit concerned of their findings.

23 SEC. 11. ***Penalties.*** - The following are the penalties for violation of  
24 any provisions of this Act:

- 25 a) 1st offense - a fine of P50,000 for violation of any of the  
26 provisions of this Act;
- 27 b) 2nd offense - a fine of P100,000 for violation of any of the  
28 provisions of this Act;
- 29 c) 3rd and succeeding offense - a fine of P150,000 and/or the  
30 revocation of business permit and license to operate, and  
31 closure of the establishment or both at the discretion of the  
32 Courts.

1        If the establishment is owned by a partnership or a corporation, the  
2 managing partner, or president of the corporation shall be jointly held liable  
3 with the person allowing a minor inside the premises of the establishment or  
4 to use of the computer facilities in such establishment during the periods  
5 prohibited by this Act.

6        SEC. 12. ***Implementing Rules and Regulations.*** - The Department  
7 of Social Welfare and Development, in coordination with the Local  
8 Government Units, the Philippine National Police and the National Youth  
9 Commission, shall formulate the necessary Implementing Rules and  
10 Regulations for the efficient implementation of this Act.

11       SEC. 13. ***Separability Clause.*** - Should any Section or provision of  
12 this Act be declared as unconstitutional or invalid, other provisions which are  
13 not affected thereby shall continue to be in full force and effect.

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

17       SEC. 15. ***Effectivity Clause.*** - This Act shall take effect fifteen (15)  
18 days after its publication in the *Official Gazette* and/or in at least two (2)  
19 national newspapers of general circulation.

*Approved,*