

Republic of the Philippines
PROVINCE OF ORIENTAL NEGROS
CITY OF BAYAWAN
Office of the Sangguniang Panlungsod

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE CITY COUNCIL OF BAYAWAN, ORIENTAL NEGROS ON AUGUST 15, 2006 AT 2 O'CLOCK P.M. AT THE SP SESSION HALL.

PRESENT:

Hon. Clayborne Clyde L. Lim	Councilor, Acting Presiding Officer
Hon. Rowena T. Cabanban	Councilor
Hon. Peter Paul F. Renacia	-do-
Hon. Francisco T. Diao	-do-
Hon. Douglas T. Tijing	-do-
Hon. Agustin L. Barte Jr.	-do-
Hon. Novelito A. Herrero	-do-
Hon. John T. Raymond Jr.	-do-
Hon. Guillermo A. Diao	-do-
Hon. Antonio B. Villamil	-do-
Hon. Fredelyn T. Trayvilla	SK Federated President

ABSENT:

Hon. Rene G. Gaudiel	Vice Mayor (O.B.-Dgte. City)
Hon. Oscar T. Villamil	LNMB President

RESOLUTION NO. 419

“Third and Final Reading of An Ordinance Regulating the Operation of Computer Shops, Internet Cafes, Games Arcade and Similar Establishments.

“On motion of Honorable Councilor Barte and duly seconded by Honorable Councilor Francisco T. Diao, the Council

“RESOLVED, To enact, as it hereby enacts the following ordinance, to wit:

ORDINANCEN NO. 52

AN ORDINANCE REGULATING THE OPERAION OF COMPUTER SHOPS,
INTERNET CAFES, GAMES ARCADE AND SIMILAR ESTABLISHMENTS

Be it ordained that:

Section 1. Title – “An Ordinance Regulating The Operation Of Computer Shops, Internet Cafes, Games Arcade And Similar Establishments”.

Section 2. Declaration of Policy. It is the policy of the State to which the local government also adheres to value the dignity of every human person and to guarantee the respect of individual rights. Further, the local government recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. In pursuit of these policies, the local government shall give highest priority to the enactment of measures and development of programs that will promote human dignity and to protect the youth from detrimental influence. Lastly, the local government adheres to the principles being promoted by the Character First! Program as a means of developing the well-being of the city's constituents.

Section 3. Coverage. This ordinance shall cover all establishments operating computer shops, internet cafes, video arcades and similar establishments. This includes establishments without business permits but offer to the general public access to said facilities whether for a fee or for free.

Section 4. Definition of Terms. As used in this Ordinance, the term:

- a) "Computers Shops" shall refer to a business establishment which sell, assemble and repairs computer and all its attachments called hardware and software.
- b) "Internet Café" shall refer to a establishment offering public access online computers for web surfing and e-mail transmission and sometimes also serving as an internet service provider (ISP) or service bureau or offering other related services.
- c) "Games Arcade" is a place where people play electronic and mechanical games for a fee.
- d) "Signage" shall refer to signs considered as a group. The design or use of signs and symbols collectively (especially commercial signs or posters)
- e) "Pornographic" materials or acts designed to arouse lust, such as pornographic films, websites and magazines, marked by or tending to arouse the sexual desire or forient interest of the viewer.
- f) "Cybersex" is an activity where a computer user engages in chatting or video conferencing or similar activities where there is an exchange of sexual ideas through chatting or doing sexual acts such as but not limited to, undressing, touching his or her body or that of another in a sexual manner, sexually suggestive dancing or similar activities, where another person or persons can see or watch the other performing said acts.

Section 5. Prohibited Acts. The following are hereby declared unlawful:

- a) Allowing minors to play computer games and similar electronic games in their establishments at any time during class hours;
- b) Allowing any person to place bets in the form of money or article of value or representative of value upon the result of any computer game;
- c) Allowing computer users to access pornographic web sites;
- d) Posting of indecent or pornographic materials in the web;
- e) Allowing computer users to engage in cybersex or similar activities; or

Any computer user who has been observed to commit any of the forgoing act shall be prima facie evidence of being allowed by the owner of the establishment to commit said act. Should a computer user refuse to obey the owner or manager of the establishment from refraining in doing any of the prohibited acts, it shall be the duty of the owner/manager to report immediately and seek the assistance of the local Philippine National Police (PNP) or the City Public Safety Office (CPSO) to stop the commission of said act/s. Failure to report as required, shall be considered a violation of this ordinance and shall likewise make the owner/manager liable as provided in the schedule of penalties indicated below.

The Local Chief Executive may revoke/cancel the permit/license of any establishment who allows the commission of any of the prohibited acts. In addition, the proprietor, managing partner or manager or any person occupying similar position of the establishments shall be penalized as follows:

First offense	---	Fine of P2,000.00
Second offense	---	Fine of P3,000.00
Third Offense	---	Fine of P5,000.00 and revocation /cancellation of permit /license and an imprisonment of one year at the discretion of the Court.

Handwritten signature/initials

Section 6. Signage. All computer shops, internet cafes and similar establishments shall prominently display on their establishments signage/s indicating that “Access to Pornographic Material is Prohibited”, “Engaging in Cybersex Not Allowed “ and “Minors Not Allowed to Play during Class Hours”. Any violation of this provision is a ground for the revocation/ cancellation of the establishment’s permit to operate.

Section 7. Monitoring Committee. A Monitoring Committee is hereby created with the following composition:

Head, City Public Safety Office	---- Chairman
Representative from City Treasurer’s Office	---- Member
Zoning Officer	---- Member
PNP Personnel	---- Member
Representative from City Legal Office	---- Member

The Monitoring Committee shall be responsible for ensuring that the provisions of this Ordinance shall be implemented.

Section 8. Separability. If any provision of this Ordinance is held by any competent authority to be void or unenforceable in whole or in part, the other provisions of this Ordinance shall continue to be valid.

Section 9. Repealing Clause. All ordinances, resolutions and issuances inconsistent or contrary to the provisions contained shall be deemed repealed.


Section 10. Effectivity. This Ordinance shall take effect after compliance with the provisions of the Local Government Code of 1991.

“Enacted”


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I hereby certify to the correctness of the foregoing resolution.

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JULIUS T. ESPARTERO
Secretary to the Sangguniang Panlungsod

ATTESTED:


CLAYBORNE CLYDE L. LIM
Councilor
Acting Presiding Officer

APPROVED:


GERMAN P. SARAÑA JR.
Mayor

SEP 05 2006

Copy For:

- The Honorable Provincial Board, Dumaguete City