
	GENERAL QUALITY FORM MEMORANDUM		Document Code: TLF-OSDS Revision: 00 Effectivity Date: 08-20-2018
			Name of Office: SGOD - YF

DIVISION OFFICE
 BAGUIO CITY
 JUL 20 2020
16 July 2020
 RELEASED

DIVISION MEMORANDUM

No. 288 , s. 2020

REGULATING THE OPERATION OF COMPUTER SHOPS, INTERNET SHOPS AND INTERNET CAFÉ'S IN THE CITY OF BAGUIO AND PROVIDING PENALTIES FOR VIOLATION THEREOF

To: **All Education Program Supervisor
Public Schools District Supervisors
School Head/ School Principal
Teachers/Parents
Others Concerned**

- Relative to Ordinance No. 66, s. 2020, *REGULATING THE OPERATION OF COMPUTER SHOPS, INTERNET SHOPS AND INTERNET CAFÉ'S IN THE CITY OF BAGUIO AND PROVIDING PENALTIES FOR VIOLATION THEREOF*, which the Schools Division of Baguio City is disseminating.
- Wherefore, please be guided to the following provisions of the said ordinance:

Section 5. Guidelines in the Operation of Computer/Internet Shops and Internet Cafes. . .

- d. *The general hours of operation of the shops are from 6:00 AM to 1:00 AM. After the said time, the shop should be closed and no Person shall be inside the establishment using or renting a Computer.*
- e. *Minors or people below eighteen (18) years of age are only allowed in the shops till 8:30 PM everyday even if accompanied by a guardian.*
- g. *Minors shall not be allowed inside the premises of the said establishment during class hours unless accompanied by a teacher or or school authority. If not accompanied by a school authority, a written letter by their school head should be issued and be immediately surrendered to any authorized personnel for verification and appropriate sanctions.*



Section 6. Prohibitions—The following acts are prohibited among customers Inside the internet cafes/computer shops/computer gaming shops:

- f. *In case of students or minors, the following acts are prohibited:*
 - f.1. *Elementary and Secondary Level students who are still minors are not allowed to enter the computer rental shop during class hours from Monday to Friday and on a Saturday of there are schedules of class on the said day.*

Section 10. Penalties—Any violation of the immediately preceding section Shall be considered an offense and shall be subject to the following:


10-B. *Other Offenses:*

- g. *Minors who shall violate any provisions of this ordinance shall be turn-over to the City Social Welfare and Development Office who shall contact their respective parenting/guardians. After verification and due process, a report of the violation shall be furnished to the school principal for disciplinary action.*

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3. Should there be a reported case, the School Head is required to submit a report to the Division Office within forty-eight (48) hours, from the time the report came to his/her knowledge.
4. Immediate and wide dissemination of this Memorandum is desired.


MARIE CAROLYN B. VERANO, CESO V
 Schools Division Superintendent

SGOD/YFC/bsf



Republic of the Philippines
City of Baguio
SANGGUNIANG PANLUNGSOD
(CITY COUNCIL)

REGULAR SESSION HELD ON 01 JUNE 2020

PRESENT:

Hon. Faustino A. Olowan, *City Vice-Mayor and Presiding Officer*;
Hon. Joel A. Alangsab, *Member*;
Hon. Benny O. Bomogao, *Member*;
Hon. Betty Lourdes F. Tabanda, *Member*;
Hon. Elaine D. Sembrano, *Member*;
Hon. Maria Mylen Victoria G. Yaranon, *Member*;
Hon. Isabelo B. Cosalan Jr., *Member*;
Hon. Francisco Roberto A. Ortega VI, *Member*;
Hon. Arthur L. Allad-iw, *Member*;
Hon. Vladimir D. Cayabas, *Member*;
Hon. Fred L. Bagbagen, *Member*;
Hon. Lilia A. Fariñas, *Member*;
Hon. Philian Louise C. Weygan-Allan, *Member*;
Hon. Michael L. Lawana, *Ex-Officio Member (President, Liga ng mga Barangay, Baguio City Chapter)*; and
Hon. Levy Lloyd B. Orcales, *Ex-Officio Member (President, Pederasyon ng mga Sangguniang Kabataan, Baguio City Chapter)*.

ABSENT:

None.

*Authored by Hon. Betty Lourdes F. Tabanda,
Hon. Benny O. Bomogao, and
Hon. Fred L. Bagbagen.*

**ORDINANCE Numbered 66
(Series of 2020)**

REGULATING THE OPERATION OF COMPUTER SHOPS, INTERNET SHOPS,
AND INTERNET CAFÉS IN THE CITY OF BAGUIO AND PROVIDING
PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES.

Explanatory Note

The increasing number of computer shops, internet shops, and internet cafés within the City of Baguio has become a concern among the citizens especially on matters and concerns affecting the youth. Several groups and institutions have voiced out their sentiments on the number of incidents where children and minors are drawn to these shops spending their time playing games and surfing inappropriate sites not related to their studies.

While the City Government of Baguio acknowledges the importance of computer education and information technology in the country in molding the future of its citizens, especially the youth, the entry of minors in computer shops must be regulated to prevent them from playing games thereat during school hours that can downgrade their performance in school.

One alarming issue that needs to be addressed is the fact that some establishments unknowingly cater to internet pornography due to lack of proper regulations and poor monitoring by proper authorities.

Some owners of computer shops, internet shops, and cafés in the City of Baguio have requested for a separate ordinance which shall specifically govern their line of business. Thus, all the ideas and proposals that were referred to the Committee on Laws, Human Rights and Justice have been consolidated for the enactment of an appropriate measure which shall be beneficial to everyone in the City of Baguio.

Section 16 in relation to Section 458 (4)(IV) of Republic Act No. 7160, also known as the Local Government Code of 1991, as amended, provides that, "Every local government unit shall exercise the powers expressly granted, those necessary 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."

It further mandates local government units to regulate the establishment, operation of cafes, restaurants, beerhouses, hotels, motels, inns, pension houses, lodging houses, and other similar establishments, including tourist guides and transports.

NOW, THEREFORE, on motion of Hon. Tabanda, Hon. Bomogao and Hon. Bagbagen,
duly seconded,

Ordinance Numbered 66, Series of 2020, page 2.

BE IT ORDAINED BY THE *SANGGUNIANG PANLUNGSOD* (CITY COUNCIL) IN SESSION ASSEMBLED THAT:

SECTION 1. TITLE – This Ordinance shall be known as “Computer shops, Internet shops, and Internet cafés Regulatory Ordinance in the City of Baguio”.

SECTION 2. DECLARATION OF POLICY – It is hereby declared a policy of the City Government of Baguio to promote the general welfare by regulating the operations of Computer shops, Internet shops, and Internet Cafés in the City of Baguio and to provide the necessary penalties for violation thereof.

SECTION 3. DEFINITION OF TERMS – For purposes of this Ordinance, the following terms shall be defined as follows:

- a. **Internet** – a global computer network providing a variety of information and communication facilities, consisting of interconnected networks using standardized communication protocols;
- b. **Computer shop** – a business establishment which offers computer services for a fee without access of the internet. Generally, it is for typing reports, playing offline games, or plain printing services;
- c. **Internet shop** – a business establishment which offers computer services for a fee with access to the internet;
- d. **Internet café** (also known as a cyber café) – a business establishment which offers computer services for a fee with access of the internet. They also offer food and non-alcoholic drinks which are served within the same establishment;
- e. **Internet user** – refers to any person or individual who directly or indirectly pays for the use of the computer within the establishment;
- f. **Minor** – refers to any person below 18 years of age;
- g. **Guardian** – refers to any person of legal age who accompanies a minor regardless of relation who shall take responsibility over the minor and shall have an authorization letter from the parents of the said minor;
- h. **Real Estate Lessors/building owners** – refers to the person or entity who owns or is leasing the building or space where the shop is located;
- i. **Internet Pornography** – refers to the online viewing or downloading of pictures and videos with exposed genitals and/or pictures or videos in which are lewd;
- j. **Webcam** – a video camera that inputs to a computer connected to the internet so that its images can be viewed by internet users;
- k. **Local Area Network (LAN)** – is a group of computers and peripheral devices that share a common communication line or wireless link to a server within a distinct geographic area; and
- l. **Surfing** – describes the act of browsing the internet by going from one web page to another web page using hyperlinks in an internet browser.

SECTION 4. COVERAGE – This Ordinance shall cover the following:

- a. Any business establishment with more than one (1) computer unit offering for a fee, services including e-mail, game chatting, surfing, research, and other services which requires the use of computers and/or access to the internet; and
- b. Other business establishments which offer a combination of services such as food and internet, recreation, amusement, and other similar activities requiring the use of computers or access to the internet;

SECTION 5. GUIDELINES IN THE OPERATION OF COMPUTER/INTERNET SHOPS AND INTERNET CAFÉS –

- a. An owner/operator of a computer/internet shop or internet café shall secure the necessary permits with the Permits and Licensing Division of the City Government of Baguio prior to the start of the business.

Permits and Licensing Division of the City Government of Baguio



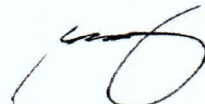


Ordinance Numbered 66, Series of 2020, page 3.

- b. The Permits and Licensing Division of the City Government of Baguio shall have the sole and exclusive discretion on how to categorize a computer/internet shop, internet café or any analogous establishment;
- c. The owner/operator of a computer/internet shop or internet café shall provide closed circuit television (CCTV), surveillance, or IP cameras with play back abilities of at least seven (7) days which are readily available to the authorities for inspection and safety purposes. The camera should cover the entire shop with facial recognition to fit its purpose. Any violation of this provision shall be subject to the penalties provided for in Ordinance Numbered 49, Series of 2018;
- d. The general hours of operation of the shops are from 6:00 AM to 1:00 AM. After the said time, the shop should be closed and no person shall be inside the establishment using or renting a computer;
- e. Minors or people below eighteen (18) years of age are only allowed in the shops till 8:30 PM everyday even if accompanied by a guardian;
- f. Persons eighteen (18) years of age and older are allowed to stay in computer shops until 1:00 AM when the establishment closes;
- g. Minors shall not be allowed inside the premises of the said establishment during class hours unless accompanied by a teacher or school authority. If not accompanied by a school authority, a written letter by their school head should be issued and be immediately surrendered to any authorized personnel for verification and appropriate sanctions;
- h. Prohibited substances, drugs, alcohol, liquor, beer, or any intoxicating drink, cigarettes, electronic nicotine delivery system (ENDS) shall not be allowed in the said shops;
- i. All shops should be well lighted, ventilated, kept clean and in a well sanitized condition to ensure the health and safety of the clients. The users must have access to a comfort room;
- j. All shops must not use fully enclosed cubicles for every computer. Only half closed cubicles shall be allowed. Beds or any furniture where a customer can sleep is strictly prohibited in the establishment;
- k. Establishments offering the use of web cameras or webcams must not allow its users to use if for obscenity or lewd designs;
- l. All shops should not tolerate indecent, lewd, or immoral behavior inside the establishments. The blocking of all porn sites within their establishments is highly recommended;
- m. All establishments shall take adequate measures to protect all persons inside especially women from all forms of sexual harassment and all acts of violence; and
- n. An owner/operator of a computer/internet shop or internet café shall always allow the authorities to inspect their respective establishments. In the event that an owner/operator of a computer/internet shop or internet café shall defraud the authorities by seemingly locking or closing their doors or gates but are operating under conditions not agreed upon, they shall automatically be sanctioned for the next higher offense.

SECTION 6. PROHIBITIONS – The following acts are prohibited among customers inside the internet cafés/computer shops/computer gaming shops:

- a. Perform in front of computer video camera webcam and the like, any of the following acts:
 - a.1. Actual sexual intercourse whether between same or opposite sex;
 - a.2. Sexual intercourse between a person and an animal;
 - a.3. Sadistic abuse;
 - a.4. Masturbation; and
 - a.5. Other activities/acts which are of similar nature.
- b. Surf the internet web sites which contain pornographic materials or those that advertise prostitution;
- c. Produce and distribute images depicting the above-cited prohibited acts in Section 6 (a.) hereof;
- d. Use or consume drugs, liquor, electronic nicotine delivery system (ENDS) and cigarettes within the premises;
- e. All forms of gambling are strictly prohibited inside the area;
- f. In case of students or minors, the following acts are prohibited:
 - f.1. Elementary and Secondary Level students who are still minors are not allowed to enter the computer rental shop during class hours from Monday to Friday and on a Saturday of there are schedules of class on the said day; and
 - f.2. Students who are not minors who will do research work in computer rental shops are allowed only between 6:00 in the morning and 1:00 in the following morning.



Ordinance Numbered 66, Series of 2020, page 4.

- g. Internet gambling, nudity, vulgar language depiction of graphic sex and all other forms of lewd pictorial representation are prohibited from being sourced, accessed or provided by internet establishments and by all internet users, regardless of age. Corresponding penalty will be meted to establishments that allow violation of this Section; and
- h. Chatting by minors which will lead to exploitation 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.

SECTION 7. Owners and Managers of Computer/Internet Shops/Cafés are required to perform the following measures in the operation:

- a. Ensure strictly that Identification (ID) Cards and class schedule of students must be checked as basis for allowing/disallowing them to enter the premises. When in doubt, it should be the obligation of the establishment owner or employee to check on the schedule of the student to avoid any fine or be cited for a violation of this Ordinance;
- b. Post a signage at the entrance of the premises with words "ELEMENTARY, JUNIOR HIGH SCHOOL AND SENIOR HIGH SCHOOL STUDENTS ARE NOT ALLOWED DURING CLASS HOURS";
- c. Display warning against access to pornographic and online gambling sites, "PORNOGRAPHY AND ONLINE GAMBLING ARE PROHIBITED"; and
- d. Prohibit the entry of persons who fail to show an Identification (ID) Card indicating the date of birth, particularly for minors, "NO ID, NO ENTRY".

SECTION 8. Owners and Managers allowing Online Tutorial Services are required to comply with the following measures in their operation:

- a. The customer/agent/person shall secure an Online Tutorial Services permit from the Permits and Licensing Division of the City Government of Baguio in order to avail of the privileges as stated in this Ordinance;
- b. The computer shop, internet shop, or internet café who will cater to the said Online Tutorial Services should register themselves with the Permits and Licensing Division of the City Government of Baguio and shall be allowed 24-hours operation as long as they comply with the following conditions:
 - b.1. Secure the necessary permit with the Permits and Licensing Division of the City Government of Baguio;
 - b.2. Register the name of owner and employees with the City Government of Baguio, the Department of Labor and Employment (DOLE), the Department of Trade and Industry (DTI), the Social Security System (SSS), the Bureau of Internal Revenue (BIR), the Philippine Health Insurance (PhilHealth), the Pag-ibig, and other concerned agencies as mandated by the Permits and Licensing Division of the City Government of Baguio; and
 - b.3. Hire the services of a Uniformed Security Personnel from 10:00 PM to 6:00 AM the following morning.
- c. Provide separate room for customers who intend to use computers for Online Tutorial Services purpose.

SECTION 9. IMPLEMENTING AGENCIES/OFFICES/PERSONNEL – The City Government of Baguio through the City Mayor shall empower the following to implement this Ordinance:

- a. Permits and Licensing Division of the City Government of Baguio;
- b. All law enforcement agencies;
- c. Public Order and Safety Division of the City Government of Baguio;
- d. All barangay officials including those persons to be deputized by the *Punong Barangays*;
- e. All barangay *tanods* and auxiliary barangay *tanods*; and
- f. All other government personnel in charge of health, safety and order.

The Permits and Licensing Division of the City Government of Baguio, the Baguio City Police Office (BCPO), and barangay officials shall conduct regular inspection of computer establishments to ensure compliance with the Ordinance. In case of complaints received from any concerned citizen against computer establishments, the inspection team shall act within five (5) days.



Ordinance Numbered 66, Series of 2020, page 5.

The City Health Services Office shall undertake an intensive Information/Education/Communication campaign to inform the public of the possible health hazards of the use of computers, including gaming.

The Department of Education, City Social Welfare and Development Office, Civil Society Organizations and the Churches shall undertake an intensive Information/Education/Communication program to prevent addiction to computer use particularly for gaming purposes.

Sharing scheme for the penalties shall be a 50%-50% basis for the apprehending agency or barangay and the City Government of Baguio. It shall be released on a quarterly basis to be added to the trust fund of the agency or office concerned, disbursement of which shall be for the needs of the agency. A portion of the fund may be used as incentives for the enforcers to be determined by the agency.

SECTION 10. PENALTIES – Any violation of the immediately preceding section shall be considered an offense and shall be subject to the following:

10-A. For allowing minors during the prohibited periods:

- a. First Offense: The owner/operator of the computer/internet shop or internet café amusement center shall be fined ₱1,000.00 per child or minor caught within the premises of the amusement center during the ban or prohibited period and a warning on the owner of the business;
- b. Second Offense: The owner/operator of the computer/internet shop or internet café shall be fined ₱3,000.00 per child or minor caught within the premises of the computer shop during the ban or prohibited period, suspension of the business permit for one (1) month, and a warning on the building owner or real estate lessor;
- c. Third Offense: The owner/operator of the computer/internet shop or internet café shall be fined ₱5,000.00 per child or minor caught within the premises of the computer shop during the ban or prohibited period, revocation of the license to operate, closure of the business, and a fine of ₱5,000.00 on the owner of the building or real estate lessor;

10-B. Other Offenses:

- d. An owner/operator of a computer/internet shop or internet café operating after the mandated time shall be fined ₱3,000.00 for each violation;
- e. An owner/operator of a computer/internet shop or internet café operating a Surveillance Camera without the playback function shall be fined ₱2,000.00 per offense;
- f. Any person who shall perform any of the following acts under Section 6 hereof shall be fined ₱3,000.00, in addition to prosecution for other crimes punishable by the Revised Penal Code, Special Penal Laws, or other laws that punish such acts;
- g. Minors who shall violate any provisions of this Ordinance shall be turned-over to the City Social Welfare and Development Office who shall contact their respective parenting/guardians. After verification and due process, a report of the violation shall also be furnished to the school principal for disciplinary action;
- h. Violations of any other provisions of this Ordinance not enumerated above by the owner/operator/manager of the computer/internet shop/café shall be punishable, as follows:

First offense	- a fine of ₱2,000.00 and warning;
Second offense	- a fine of ₱3,000.00 and temporary suspension of the business permit for thirty (30) days; and
Third offense	- a fine of ₱5,000.00 and revocation of business permit.

SECTION 11. When there is a probable cause to believe that the parent/guardian induced the minor to engage in the internet pornography, the City Social Welfare and Development Office shall temporarily assume the custody and parental authority over the minor and comply with the mandates of Republic Act No. 9775 [An Act Defining the Crime of Child Pornography, Prescribing Penalties Therefor and For Other Purposes], otherwise known as the "Anti-Child Pornography Act of 2009".

SECTION 12. The equipment used in production/showing/printing of pornographic material shall be confiscated by the members of the Baguio City Police Office in the presence of representative from the City Mayor's Office and barangay concerned in compliance with Section 6 of Republic Act No. 9995 [An Act Defining and Penalizing the Crime of Photo and Video Voyeurism, Prescribing Penalties Therefor, and for Other Purposes], otherwise known as the "Anti-Photo and Video Voyeurism Act of 2009", and can be used as evidence in court if litigation may rise.





SECTION 13. SEPARABILITY CLAUSE – If any provision or section of this Ordinance, or the application thereof to any person or circumstance is held invalid, the other provisions or sections of this Ordinance and the application of such circumstance shall not be affected thereby.

SECTION 14. REPEALING CLAUSE – All prior Ordinances, Executive Orders, Administrative Orders, Rules and Regulations, or part/s thereof that are inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 15. EFFECTIVITY CLAUSE – This Ordinance shall take effect in accordance with the provisions of Republic Act No. 7160, also known as the Local Government Code of 1991, as amended.

Unanimously passed.

CERTIFIED CORRECT:



FAUSTINO A. OLOWAN
*City Vice-Mayor and
Presiding Officer*

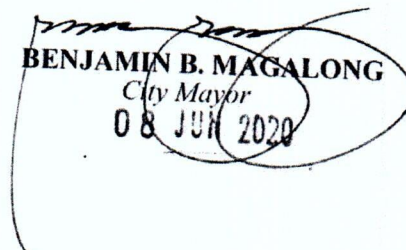
JUN 05 2020

Attested:



BRENNER C. BENZON
Secretary to the Sanggunian

APPROVED:



BENJAMIN B. MAGALONG
City Mayor

08 JUN 2020



ROGER P. LAOLAWI



JONATHAN M. FONTANOS