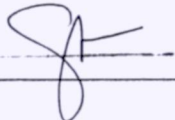


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SENATE

S.B. No. 552

RECEIVED BY: 

INTRODUCED BY: SENATOR EMMANUEL D. PACQUIAO

AN ACT
PROVIDING INTERNET SAFETY AND PROTECTION FOR CHILDREN


EXPLANATORY NOTE

Art. II, Sec. 13 of the 1987 Constitution states that “The 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. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.”

Through time, the Internet has become the most convenient tool in providing access to information. More recently, it has been used as an effective aid in the education sector. However, the easy access and widespread use of the Internet have produced worrisome implications for the vulnerable, especially the minors.

At present, there is no existing system of regulation imposed, even in schools, that can control the Internet activities of the students. With these existing circumstances, there is an urgent need to regulate the access by minors to the Internet in commercial establishments, school premises, and even in households. A comprehensive cybersecurity program must be in place to ensure that minors are not going to be exposed to detrimental materials found on the internet, such as, but not limited to, pornography, sex, and violence.

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



EMMANUEL D. PACQUIAO

SENATE

S.B. No. 552

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INTRODUCED BY: SENATOR EMMANUEL D. PACQUIAO

AN ACT
PROVIDING INTERNET SAFETY AND PROTECTION FOR CHILDREN

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

SECTION 1. Title. - This Act shall be known as the "Child Internet Safety and Protection Act of 2019."

SEC. 2. Declaration of Policy. - It is hereby declared a policy of the State to promote and protect the physical, moral, spiritual, intellectual, psychological and social well-being of children. Towards this end, it shall vigorously promote the safety and protection of children in accessing the Internet against harmful materials, such as, but not limited to, pornography, sex and violence by adopting extensive public awareness programs and using appropriate and effective filtering or firewall devices.

SEC. 3. Definition of Terms:

(a) "Children" refers to persons below eighteen (18) years of age;

(b) "Commercial establishment" refers to businesses offering Internet services for profit such as, but not limited to, Internet cafes and other establishments offering access to cyberspace and the world-wide web;

(c) "Harmful materials" mean:

1) Any communication, picture, image, graphic image, information, file, article, recording, writing, or any other form of media that is obscene as defined by law;

2) One that depicts, describes, or represents in any manner, directly or indirectly, offensive to children, an actual and/or simulated (i) sexual act and/or contact, especially sexual perversions such as pedophilia and bestiality; or (ii) a lewd exhibition of the genitals or female breast; or

3) If taken as a whole, the lack of serious literary, artistic, political, or scientific value for children.

(d) "Internet" refers collectively to the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/ Internet Protocol, or any predecessor successor protocols to such protocol, to communicate information of all kinds by wire, radio, or other electronic media;

(e) "Internet Content" refers to all forms of information including text, pictures, animation, video and sound recording, and may include software;

(f) "Internet filter" refers to a piece of software that filters by keyword or blocks by Uniform Resource Locator or commonly known as URL what a web browser will display for the benefit of children;

(g) "Internet Service Provider" (ISP) refers to a company that provides individuals and companies access to the Internet and other related services;

(h) "Public Internet points" refer to those establishments offering Internet services such as public or private schools, libraries, and similar establishments that provide computer or Internet services to the public;

SEC. 4. *Internet Safety for Children.* - For purposes of this Act, Internet safety for children includes access to Internet materials that shall not, in any way, be harmful to the physical, moral, spiritual, psychological development, and social well-being of children.

SEC. 5. *Restriction of Access by Children to Harmful Materials in the Internet.* - All commercial establishments or public Internet points offering Internet services, public and private educational institutions, shall be required to offer filtered "clean feed Internet service" using end-user or PC based filtering software to all Internet users below eighteen (18) years of age. The State shall encourage, inform, and educate the parents or guardians by making the use of Internet filters widely accessible for households to enable parents or guardians to block web pages that are considered unsuitable to children.

SEC. 6. *Duties and Responsibilities of ISPs.* - Internet Service Providers (ISPs) shall have the following duties and responsibilities under this Act:

(a) Take reasonable steps to ensure that Internet access accounts are not provided to children under 18 years old without parental consent;

(b) Provide to its users one or more duly approved filter software products or services by providing them with an Internet link which they can install or download the software or by providing a Compact Disc which enables users to install the software on their own computer or a 'server based' filter software service or a service which filters Internet content before it is sent to the user's computer. No Internet filtering software shall be used in all commercial establishments or public Internet points other than those duly approved and prescribed by the CISC.

1
2 **SEC. 7. *The Child Internet Safety Council.*** - There is hereby created a Child Internet Safety
3 Council (CISC) under the Department of Social Welfare and Development (DSWD). It shall be
4 headed by an Undersecretary of the said agency, and shall be composed of duly designated
5 representatives of the following departments or agencies as members:

6
7 (a) Department of Education

8
9 (b) Department of Interior and Local Government

10
11 (c) Council for the Welfare of Children

12
13 (d) Commission on Information and Communications Technology

14
15 (e) National Youth Commission

16
17 (f) National Telecommunications Commission

18
19 (g) Philippine Information Agency; and

20
21 (h) Non government organization concerned with the welfare of children
22

23 **SEC. 8. *Initial Review and Report.*** Within one (1) year after its creation and organization, the
24 CISC shall review and evaluate:

25
26 (a) The status of government policy and industry efforts to promote Internet safety
27 through educational programs, parental participation and guidance, technology
28 application, blocking and filtering software, age-appropriate labels for content or other
29 regulatory and technological initiatives designed to promote a safe Internet environment
30 for children;

31
32 (b) The development of technologies to help parents, schools, commercial
33 establishments, and public Internet points shield children from inappropriate material on
34 the Internet.
35

36 Within the same period, it shall submit a report to Congress setting forth
37

38 (a) Its findings, including any information relating to the effectiveness of existing or
39 planned strategies, technologies, prevalence within industry of educational campaigns,
40 parental control technologies, blocking and filtering software, labeling, or other
41 technologies to assist parents and protect children's interests; and
42

43 (b) Its recommendations as to what interventions, Internet protocols, and incentives could
44 be developed and enforced for the effective implementation and employment of such
45 strategies and technologies.
46

1 **SEC. 9. *Duties and Functions of the CISC.*** - The CISC shall have the following duties and
2 functions:

- 3 (a) Oversee and ensure the effective implementation of this Act;
4
5 (b) Advise the President on all matters relating to child Internet protection;
6
7 (c) Assist the concerned agencies in the review and redrafting of existing
8 policies/regulations or in the formulation of new ones in line with the objectives of this
9 Act;
10
11 (d) Determine Internet materials that are harmful to children;
12
13 (e) Determine and approve the appropriate Internet filtering software that will effectively
14 limit children's access to unauthorized websites;
15
16 (f) Determine harmful websites to which children's access shall be restricted;
17
18 (g) Conduct regular inspections of commercial establishments or public Internet points
19 offering Internet services through its deputized representatives and with the assistance of
20 the agencies provided in the preceding section and to undertake random inspections on
21 their own initiative in order to monitor compliance with the standards provided herein
22 and to make necessary recommendations to appropriate agencies;
23
24 (h) Deputize local government agencies or offices including law enforcement agents to
25 assist it in the discharge of its duties and functions under this Act;
26
27 (i) Develop and enforce mechanisms to ensure that parents, parent-school associations
28 and children are involved in research and policy development in furtherance of this Act;
29
30 (j) Coordinate with other concerned agencies of the government and the private sector
31 towards the effective implementation of this Act;
32
33 (k) Perform such other functions as may be necessary to achieve the purposes of this Act.
34

35 **SEC. 10. *Prohibited Acts.*** - The following acts shall constitute an offense punishable under this
36 Act:

- 37 (a) Offering unfiltered Internet service to children or allowing them access to
38 unauthorized websites as determined herein.
39
40 (b) Providing Internet services to subscribers without provisions for filtering software in
41 the bundled services.
42
43 (c) Allowing within the premises of a commercial establishment, the photography,
44 electronic depiction, whether in text or graphics, uploading, downloading, copying,
45 burning, or transmission of harmful materials as defined in this Act.
46

(d) Installing or maintaining enclosed or private cubicles, cells, private partitions or enclosures for individual internet users. The presence of such prohibited enclosures shall be prima facie evidence of unlawful services under this Act.

(e) Approving or granting a business permit to commercial establishments operating in violation of this Act, without prejudice to the appropriate administrative sanctions applicable to public officers and employees under the Civil Service Law.

SEC. 11. *Public Awareness Programs.* - The CISC shall develop, lead, undertake and coordinate a nationwide sectoral program to advance public awareness and involvement in furtherance of the purposes of this Act. The program shall utilize existing resources and efforts of the national government, local governments, non-profit organizations, private technologies, and Internet Service Providers, World-Wide Web-based resources, and other appropriate entities, and shall include:

(a) Identifying, promoting, and encouraging best practices for Internet safety;

(b) Establishing and carrying out a national outreach and Internet Safety Education campaign regarding Internet safety utilizing various media and Internet-based resources;

(c) Facilitating access to, and the exchange of, information regarding Internet safety to promote up-to-date knowledge regarding Internet safety; and

(d) Facilitating access to Internet safety education and public awareness efforts of the government, nonprofit organizations, and other appropriate entities.

SEC. 12. *Penalties.* - Violations of this Act shall be penalized as follows:

(a) A fine of Fifty Thousand Pesos (Php50,000.00) for the first offense.

(b) A fine of One Hundred Thousand Pesos (PHP 100,000.00) for the second offense;

(c) Revocation of the business permits and licenses to operate and a fine of Two Hundred Thousand Pesos (PHP 200,000.00) for the third offense.

SEC. 13. *Filing of Administrative and Civil Cases.* If the violation is committed by a public Internet point, the CISC shall file the appropriate administrative and civil case/s against the highest officer responsible for the management or operations of the same.

SEC. 14. *Appropriations.* - The amount necessary to carry out the provisions of this Act shall be charged on the current year appropriations of the Department of Social Welfare and Development and other government agencies concerned, and thereafter included in the General Appropriations Act.

SEC. 15. *Separability Clause.* - If, for any reason, a provision or any part hereof is declared invalid, the other provisions not affected thereby shall remain in full force and effect.

1
2 **SEC.16. *Repealing Clause.*** - All acts, decrees, executive orders, rules and regulations contrary
3 or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.
4

5 **SEC. 17. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days after its publication in
6 the Official Gazette or in at least two (2) national newspapers of general circulation.
7
8
9

10 *Approved,*