

FOURTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

8 FEB 27 2011

SENATE

S. No. 2098

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Introduced by Senator FRANCIS G. ESCUDERO

EXPLANATORY NOTE

The Internet, or sometimes called the "Information Superhighway", has become an impressive but common tool providing easy access to all kinds of information and communication. Its widespread usability and access cannot be overstated as it is now part of every individual's daily social interaction and activities.

Nevertheless, such convenient, easy and unhampered access to all kinds of information has its own downside. If the Internet already serves as a medium that caters pornography, violence and other immorality to minors, it is submitted that proper regulation should be had. Hence, this proposed measure intends to regulate Internet access by Filipino children.

This bill is principally anchored on the express State policy provisions of the Constitution which mandates the promotion of the youth's social, physical, spiritual and moral well-being and the protection of their interest and welfare against all forms of neglect, exploitation and other similar prejudicial conditions. And in doing so, it proposes to prohibit and restrict the access of harmful materials in the Internet by minors.

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



FRANCIS G. ESCUDERO

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AN ACT

PROVIDING INTERNET SAFETY AND PROTECTION FOR CHILDREN

Be it enacted by the Senate and the 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 2008.*"

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. Toward 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 establishments" refers to businesses offering Internet services for profit such as Internet cafés or other establishments offering access to cyberspace and the world-wide-web;

(c) "Harmful materials" means:

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

4 2) one that depicts, describes, or represents in any manner
5 *directly or indirectly offensive to children, an actual and/or simulated: 1) sexual act*
6 *and/or contact, especially sexual perversions such as pedophilia and bestiality; or 2) a*
7 *lewd exhibition of the genitals or female breast; or*

8
9 3) *if taken as a whole, the lack of serious literary, artistic, political,*
10 *or scientific value for children.*

11
12 (d) “Internet” refers collectively to the myriad of computer and
13 telecommunications facilities, including equipment and operating software, which
14 comprise the interconnected world-wide network of networks that employ the
15 Transmission Control Protocol/Internet Protocol, or any predecessor successor protocols
16 to such protocol, to communicate information of all kinds by wire, radio, or other
17 electronic media;

18
19 (e) “Internet Content” refers to all forms of information including text,
20 pictures, animation, video and sound recording, and may include software;

21
22 (f) “Internet filter” refers to a piece of software that filters by keyword or
23 blocks by Uniform Resource Locator or commonly known as URL what a web browser
24 will display for the benefit of children;

25
26 (g) “Internet Service Provider” (ISP) refers to a company that provides
27 individuals and companies access to the Internet and other related services;

28
29 (h) “Public Internet points” refers to those establishments offering
30 Internet services such as public or private schools, libraries, and similar establishments
31 that provide computer or Internet services to the public;

32
33 **SEC. 4.** *Internet Safety for Children.* - For purposes of this Act, Internet safety
34 for children includes access to Internet materials that shall not, in any way, be harmful to

1 the physical, moral, spiritual, psychological development, and social well-being of
2 children.

3
4 **SEC. 5.** *Restriction of Access by Children to Harmful Materials in the Internet.* - All
5 commercial establishments or public Internet points offering Internet services shall be
6 required to offer filtered "clean feed" Internet service using end-user or PC based filtering
7 software to all Internet users below eighteen (18) years of age. The State shall encourage
8 and make widely accessible the use of similar filtering products for households to enable
9 parents or guardians to block web pages that are considered unsuitable to children.

10
11 **SEC. 6.** *Duties and Responsibilities of ISPs.* - Internet Service Providers (ISPs)
12 shall have the following duties and responsibilities under this Act:

13
14 (a) take reasonable steps to ensure that Internet access accounts are not
15 provided to children under 18 years old without parental consent;

16
17 (b) provide to its users one or more duly approved filter software
18 products or services by providing them with an Internet link which they can install or
19 download the software or by providing a Compact Disc which enables users to install the
20 software on their own computer or a 'server based' filter software service or a service
21 which filters Internet content before it is sent to the user's computer. No Internet filtering
22 software shall be used in all commercial establishments or public Internet points other
23 than those duly approved and prescribed by the CISC.

24
25 **SEC. 7.** *The Child Internet Safety Council.* - There is hereby created a Child
26 Internet Safety Council (CISC) under the Department of Social Welfare and Development
27 (DSWD). It shall be headed by an Undersecretary of the said agency as its Chair, and shall
28 be composed of duly designated representatives of the following departments or agencies
29 as members:

30
31 (a) Department of Education

32 (b) Department of Interior and Local Government

33 (c) Council for the Welfare of Children

34 (d) Commission on Information and Communications Technology

35 (e) National Youth Commission

- 1 (f) National Telecommunications Commission
2 (g) Philippine Information Agency; and
3 (h) Non government organization concerned with the welfare of children
4

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

7
8 (a) the status of government policy and industry efforts to promote
9 Internet safety through educational programs, parental participation and guidance,
10 technology application, blocking and filtering software, age-appropriate labels for content
11 or other regulatory and technological initiatives designed to promote a safe Internet
12 environment for children;
13

14 (b) the development of technologies to help parents, schools, commercial
15 establishments, and public Internet points shield children from inappropriate material on
16 the Internet.
17

18 Within the same period, it shall submit a report to Congress setting forth:
19

20 (a) its findings, including any information relating to the effectiveness of
21 existing or planned strategies, technologies, prevalence within industry of educational
22 campaigns, parental control technologies, blocking and filtering software, labeling, or
23 other technologies to assist parents and protect children's interests; and
24

25 (b) its recommendations as to what interventions, Internet protocols, and
26 incentives could be developed and enforced for the effective implementation and
27 employment of such strategies and technologies.
28

29 **SEC. 9.** *Duties and Functions of the CISC.* - The CISC shall have the following
30 duties and functions:
31

32 (a) Oversee and ensure the effective implementation of this Act;
33

34 (b) Advise the President on all matters relating to child Internet protection;
35

1 (c) Assist the concerned agencies in the review and redrafting of existing
2 policies/regulations or in the formulation of new ones in line with the objectives of this
3 Act;

4 (d) Determine Internet materials that are harmful to children;

5
6 (e) Determine and approve the appropriate Internet filtering software that will
7 effectively limit children's access to unauthorized websites;

8
9 (f) Determine harmful websites to which children's access shall be restricted;

10
11 (g) Conduct regular inspections of commercial establishments or public Internet
12 points offering Internet services through its deputized representatives and with the
13 assistance of the agencies provided in the preceding section and to undertake random
14 inspections on their own initiative in order to monitor compliance with the standards
15 provided herein and to make necessary recommendations to appropriate agencies;

16
17 (h) Deputize local government agencies or offices including law enforcement
18 agents to assist it in the discharge of its duties and functions under this Act;

19
20 (i) Develop and enforce mechanisms to ensure that parents, parent-school
21 associations and children are involved in research and policy development in furtherance
22 of this Act.

23
24 (j) Coordinate with other concerned agencies of the government and the private
25 sector towards the effective implementation of this Act;

26
27 (k) Perform such other functions as may be necessary to achieve the purposes of
28 this Act.

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

31
32 (a) Offering unfiltered Internet service to children or allowing them access to
33 unauthorized websites as determined herein.

34

1 (b) Providing Internet services to subscribers without provisions for filtering
2 software in the bundled services.

3
4 (c) Allowing within the premises of a commercial establishment, the
5 photography, electronic depiction, whether in text or graphics, uploading, downloading,
6 copying, burning, or transmission of harmful materials as defined in this Act.

7
8 (d) Installing or maintaining enclosed or private cubicles, cells, private
9 partitions or enclosures for individual internet users. The presence of such prohibited
10 enclosures shall be *prima facie* evidence of unlawful services under this Act.

11
12 (e) Approving or granting a business permit to commercial establishments
13 operating in violation of this Act, without prejudice to the appropriate administrative
14 sanctions applicable to public officers and employees under the Civil Service Law.

15
16 **SEC. 11.** *Public Awareness Programs* - The CISC shall develop, lead, undertake
17 and coordinate a nationwide sectoral program to advance public awareness and
18 involvement in furtherance of the purposes of this Act. The program shall utilize existing
19 resources and efforts of the national government, local governments, nonprofit
20 organizations, private technologies and Internet service providers, World Wide Web-
21 based resources, and other appropriate entities, and shall include:

22
23 (a) Identifying, promoting, and encouraging best practices for Internet
24 safety;

25
26 (b) Establishing and carrying out a national outreach and Internet Safety
27 Education campaign regarding Internet safety utilizing various media and Internet-based
28 resources;

29
30 (c) Facilitating access to, and the exchange of, information regarding
31 Internet safety to promote up-to-date knowledge regarding Internet safety; and

32
33 (d) Facilitating access to Internet safety education and public awareness
34 efforts of the government, nonprofit organizations, and other appropriate entities.

35

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

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

3 (b) A fine of One Hundred Thousand Pesos (Php100,000.00) for the
4 second offense;

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

7 **SEC. 13.** *Filing of Administrative and Civil Cases.* If the violation is committed by
8 a public Internet point, the CISC shall file the appropriate administrative and civil case/s
9 against the highest officer responsible for the management or operations of the same.
10

11 **SEC. 14.** *Appropriations.* – The amount necessary to carry out the provisions of
12 this Act shall be charged against the current year’s appropriations of the Department of
13 Social Welfare and Development and other government agencies concerned, and
14 thereafter included in the General Appropriations Act.
15

16 **SEC. 15.** *Separability Clause.* – If for any reason, a provision or any part hereof is
17 declared invalid, the other provisions not affected thereby shall remain in full force and
18 effect.
19

20 **SEC. 16.** *Repealing Clause.* – All acts, decrees, executive orders, rules and
21 regulations contrary or inconsistent with the provisions of this Act are hereby repealed or
22 modified accordingly.
23

24 **SEC. 17.** *Effectivity Clause.* – This Act shall take effect fifteen (15) days following
25 its publication in two (2) national newspapers of general circulation.

26 Approved,