

SENATE

S. No. 1017

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Introduced by Senator Manuel "Lito" M. Lapid

EXPLANATORY NOTE

The rapid growth and advancement of Information and Communications Technology provides an easy access to the information highway in any part of the world, and this has been made possible through the use of the internet. Internet users today have been estimated to reach 700 million in the world and over 7.8 million in the Philippines by the end of 2006. Majority of these Filipino internet population or at least 70% are young people. Having an access to the internet has indeed played a significant role in supplementing the traditional educational tools used by students in the past decades.

The comprehensive information in which the internet is capable of providing can likewise make available materials that can exploit young users. The proliferation of smut and other violent materials has been an old issue since the birth of the internet. Worse, as the technology traverses into higher level of speed, internet are now being used as a medium for promoting on-line prostitution commonly known as "Cybersex". Limiting or blocking the access to these sites in every household and entities in the country is actually next to impossible.

However, it would already be a big step for the government if it can at least regulate this immoral practice at the institutional level. Blocking access to inappropriate web sites in all internet cafes as well as educational institutions with internet access in the country could possibly bring down the level of this indecent trend.

The measure at hand seeks to protect the vulnerable young people of our society from being exploited.

The approval of this measure is earnestly sought.


MANUEL "LITO" M. LAPID
Senator

SENATE

S. No. 1017

RECEIVED ON 10-02-8

Introduced by Senator Manuel "Lito" M. Lapid

AN ACT
REQUIRING INTERNET CAFES AND EDUCATIONAL INSTITUTIONS
WITH INTERNET ACCESS TO INSTALL A SOFTWARE TECHNOLOGY
FOR BLOCKING INTERNET WEBSITES DISPLAYING OBSCENE AND
VIOLENT MATERIALS PROVIDING PENALTIES THEREFORE AND FOR
OTHER PURPOSES

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

SECTION 1. Short Title. - This Act shall be known as the "*Internet Protection Act of 2010*".

SEC. 2. Coverage. - All public internet cafes and educational institutions with access to the Internet shall be covered by this Act.

SEC. 3. Declaration of State Policies. - The state recognizes the vital role of the youth in nation building and shall promote and protect the physical, moral, spiritual, intellectual and social well-being.

SEC. 4. Definition of Terms. - Whenever used in this Act, the following terms shall mean:

- a. Internet - shall refer to as the vehicle to the information highway which can be accessed through the use of a computer and other peripheral when connected by an internet service provider.
- b. Web site /IP Address- shall refer to any home page or Universal Record Locator (URL) of any entity which post text information, pictures, movie clips, sound or any other materials that can be seen or accessed over the internet.
- c. Blocking Software Technology – shall refer to a computer software commercially available used for blocking or filtering web sites displaying obscene and violent pictures, video streaming, video clips, sound, or any other form of literary documentation.
- d. Educational Institutions – shall refer to primary, secondary and tertiary public and private schools in the country.

- e. Task Force – as used in this act, shall refer to the Internet Protection Task Force.
- f. Obscene and Violent Internet Materials – as used in this act shall refer to any inappropriate internet materials containing but not limited to pornographic, indecent, immoral, violent, and other categories as may be classified by the blocking software technology; that comes in the format of live video streaming, video clips, pictures, sound files and literary documentations which can be accessed from any web sites.

SEC. 5. *Installation of a Blocking Software Technology in Internet Cafes and Educational Institutions.* – Any provision of law to the contrary notwithstanding, all internet cafes, computer laboratories and libraries in all educational institutions are required to install a blocking software technology, to be updated regularly as necessary, in their computer systems that have access to the internet. Provided however, that the blocking software technology to be installed shall first secure a certificate of approval from the National Computer Center (NCC).

Provided further, That in case of internet cafes, the required certificate of approval from the NCC shall be a condition precedent for securing the necessary business permits, licenses or registration from the Department of Trade and Industry, Securities and Exchange Commission (SEC) and the Local Government Units concerned.

SEC. 6. *Minimum Requirements for a Blocking Software Technology.* – Any computer software shall be used for blocking internet web sites containing obscene and violent materials if it satisfies the following minimum criteria:

- a.) Should be able to block websites containing pornographic, obscene and violent materials using contemporary Filipino cultural values as standard;
- b.) should be capable of blocking search requests from search engines containing words and phrases leading to web sites containing the aforementioned materials;
- c.) should support major internet standards that rate web sites such as but not limited to the following content coding mechanisms: SafeSurf, RSAC, IVSR, VSR and KidCode;
- d.) should be capable of updating its database list of web sites containing obscene and adult materials;
- e.) should be highly protected from end-user tampering; and
- f.) should be software upgradeable;

SEC. 7. *Internet Protection Task Force.* – There shall be created an Internet Protection Task Force to be composed of 2 members each from the National Telecommunications Commission (NTC) and the National Computer Center (NCC) to enforce the provisions of this Act. The chairman of the NTC or his duly authorized representative shall be the head of the Task Force which shall, within 15 days from its effectivity, promulgate the necessary implementing rules and regulations.

SEC. 8. Powers and functions of the Task Force. – The powers and functions of the task force for purposes of Sections 5 and 6 hereof shall include the following:

- a. To formulate rules and guidelines to implement the law;
- b. To ensure the proper enforcement and compliance of the law by conducting a quarterly on-site ocular inspection on all internet cafes and educational institutions with internet access;
- c. To screen and accredit the type of blocking software technology to be used by educational institutions as provided in Sec. 6 hereof, to be made on a quarterly basis;
- d. To recommend disciplinary actions against concerned operators or officials of internet cafes and educational institutions violating the provisions of this Act.

SEC. 9. Penalty Clause. - Operators/Owners of internet cafes and heads of educational institutions or the responsible corporate officers in case of juridical entities who fail to comply with the provisions of this Act shall be charged administratively and shall pay a penalty of not more than P100,000 for the first offense, at the discretion of the National Telecommunications Commission, another P100,000 for every succeeding offense and/or cancellation of its license to operate.

SEC. 10. Repealing Clause. - All laws, decrees, executive orders, rules and regulations, and other issuance inconsistent with the provisions of this act are hereby repealed or modified accordingly.

SEC. 11. Separability Clause. - If for any reason, any provision of this Act is declared invalid or unconstitutional, the remainder of this Act shall not be affected.

SEC. 12. Effectivity Clause. - This Act shall take effect fifteen (15) days from the date of its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,