

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

SENATE
OFFICE OF THE SECRETARY

10 JUL 27 11:15

SENATE

S. No. **2098**

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 Republic of the Philippines in Congress assembled:

1 **SECTION 1.** *Title.* - This Act shall be known as the "Child Safety and
2 Protection Act".

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

10 **SEC. 3.** *Definition of Terms:*

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

12 (b) "Commercial establishments" refers to businesses offering Internet
13 services for profit such as Internet cafés or other establishments
14 offering access to cyberspace and the world-wide-web;

15 (c) "Harmful materials" means:

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

- 1 2) one that depicts, describes, or represents in any manner
2 directly or indirectly offensive to children, an actual and/or
3 simulated 1) sexual act and / or contact, especially sexual
4 perversions such as pedophilia and bestiality; or 2) a lewd
5 exhibition of the genitals or female breast; or
6 3) if taken as a whole, the lack of serious literary, artistic, political,
7 or scientific value for children.

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

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

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

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

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

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

32 **SEC. 5. *Restriction of Access by Children to Harmful Materials in the Internet.***

33 - All commercial establishments or public Internet points offering Internet

1 services shall be required to offer filtered "clean feed Internet service using
2 end-user or PC based filtering software to all Internet users below eighteen
3 (18) years of age. The State shall encourage and make widely accessible the
4 use of similar filtering products for households to enable parents or guardians
5 to block web pages that are considered unsuitable to children.

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

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

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

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

- 23 (a) Department of Education
- 24 (b) Department of Interior and Local Government
- 25 (c) Council for the Welfare of Children
- 26 (d) Commission on Information and Communities Technology
- 27 (e) National Youth Commission
- 28 (f) National Telecommunications Commission
- 29 (g) Philippine Information Agency; and
- 30 (h) Non government organization concerned with the welfare of
31 children

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

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

9 (b) the development of technologies to help parents, schools, commercial
10 establishments, and public Internet points shield children from
11 inappropriate material on the Internet.

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

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

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

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

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

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

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

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

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

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

1 (g) Conduct regular inspections of commercial establishments or public
2 Internet points offering Internet services through its deputized
3 representatives and with the assistance of the agencies provided in the
4 preceding section and to undertake random inspections on their own
5 initiative in order to monitor compliance with the standards provided
6 herein and to make necessary recommendations to appropriate
7 agencies;

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

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

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

16 (k) Perform such other functions as may be necessary to achieve the
17 purposes of this Act.

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

20 (a) Offering unfiltered Internet service to children or allowing them access
21 to unauthorized websites as determined herein.

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

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

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

32 (e) Approving or granting a business permit to commercial establishments
33 operating in violation of this Act, without prejudice to the appropriate

1 administrative sanctions applicable to public officers and employees
2 under the Civil Service Law.

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

- 10 (a) Identifying, promoting, and encouraging best practices for Internet
11 safety;
- 12 (b) Establishing and carrying out a national outreach and Internet Safety
13 Education campaign regarding Internet safety utilizing various media
14 and Internet-based resources;
- 15 (c) Facilitating access to, and the exchange of, information regarding
16 Internet safety to promote up-to-date knowledge regarding Internet
17 safety; and
- 18 (d) Facilitating access to Internet safety education and public awareness
19 efforts of the government, nonprofit organizations, and other
20 appropriate entities.

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

- 22 (a) A fine of Fifty Thousand Pesos (Php 50,000.00) for the first offense.
- 23 (b) A fine of One Hundred Thousand Pesos (Php 100,000.00) for the
24 second offense;
- 25 (c) Revocation of the business permits and licenses to operate and a fine of
26 Two Hundred Thousand Pesos (Php 200,000.00) for the third offense.

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

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

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

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

12 **SEC. 17. Effectivity Clause.** - This Act shall take effect fifteen (15) days
13 following its publication in two (2) national newspapers of general
14 circulation.

15 Approved,