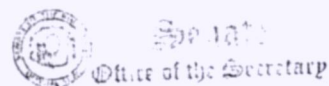


EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )

SENATE

S. No. 621



'19 JUL 18 P3:39

Introduced by **SENATOR LEILA M. DE LIMA**

RECEIVED

**AN ACT  
REQUIRING COMMERCIAL ESTABLISHMENTS AND PUBLIC  
INSTITUTIONS TO USE APPROPRIATE FILTERING DEVICES AND  
FIREWALLS THAT WILL RESTRICT CHILDREN'S ACCESS TO  
HARMFUL MATERIALS, DEFINING FOR THAT PURPOSE OFFENSES  
RELATED THERETO, PRESCRIBING PENALTIES THEREFOR AND FOR  
OTHER PURPOSES**

**EXPLANATORY NOTE**

Computer technology has enhanced our lives in many ways, as demonstrated by its prevalent use in businesses, homes, schools, libraries and even in commercial establishments.

For children especially, the Internet provides unique educational opportunities and even serves as their primary source for research. However, the onset of this technology has also brought about a different venue for child predators and perpetrators of crime.

A double-edged sword, technology has birthed advantages worthy of rejoice, as well as drawbacks from which we should protect ourselves, but more importantly, our children. The advent of technological advancements that have made daily activities easier, has also opened the floodgates to unlimited access to the world-wide web and everything it has to offer, to which our children can and will be exposed throughout their lives. UNICEF representative Julia Rees was quoted saying, "Filipino children have a massive presence online. One in three internet users is a child." In April 2019, a news article has reported that "[t]he National Baseline Survey on Violence Against Children shows that nearly one in two Filipino children aged 13 to 17 experienced cyber violence." These are alarming figures that should put both the State and our society on

notice with the imperative to increase protection to the most vulnerable members of our society – the children.

This bill seeks to ensure that safety measures aimed at protecting children from harmful materials in the Internet are available by requiring commercial establishments, schools and other public institutions from which the Internet can be accessed to use devices and mechanisms that filter against inappropriate and harmful content, as well as shield our children against malevolent elements.

This bill further proposes the identification of websites that contain materials that are inappropriate or otherwise harmful to children by mandating that a “tag” created by the Department of Information and Communications Technology be displayed initially when such websites are accessed. As a means to strengthen the provisions of this proposed Act, penal sanctions will be meted out for violations of this measure.

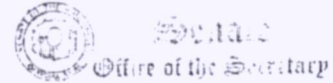
Our children are the most vulnerable against exploitative acts and other Internet-based crimes. The shroud of anonymity that the Internet gives the perpetrators makes the danger to our children greater. These cybercrimes transcend jurisdictional boundaries, hence, it is even more imperative for us to establish safeguards for our youth when they use the Internet.

This bill was originally filed by Sen. Mar Roxas during the 14<sup>th</sup> Congress.

  
LEILA M. DE LIMA

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

1 Section 1. *Short Title.* - This Act shall be known as the "Online Child Safety  
2 Act."

3 Sec. 2. *Declaration of Policy.* - Respecting the constitutionally enshrined right  
4 of every person to freedom of speech and expression, the State adopts a policy of  
5 maintaining a balance between non-interference with the use and access to the  
6 Internet and protecting the well-being of our children. Pursuant to this, the State shall  
7 ensure that the necessary safeguards against materials in the Internet that may be  
8 harmful to children are established.

9 Further, the State shall establish and implement measures that will limit and  
10 restrict the access of children to sexually explicit materials, graphic violence,  
11 information on drugs, alcohol and other injurious substances and all other materials  
12 harmful to children, at the same time ensuring their continued access to the Internet  
13 for research and other purposes.

14 The State further declares its policy to promote and protect the physical, moral,  
15 spiritual, intellectual and social well-being of children. In furtherance thereto, the

1 State shall adopt a mechanism that will identify restricted websites, as well as require  
2 the use of effective filtering devices. In addition, the State shall give highest priority to  
3 the employment of strategies that promotes safe online activity for children, helps  
4 parents shield their children from inappropriate materials and seeks not only to  
5 prevent Internet-based child exploitation, but also to investigate and prosecute  
6 persons who provide access of exploitative materials to children.

7       Sec. 3. *Definition of Terms.* –

- 8       a. *Child or Children* - means any person below 18 years of age, or those over 18  
9       but unable to take care of themselves or protect themselves from abuse, neglect,  
10       exploitation or discrimination because of a physical or mental incapability or  
11       disability.
- 12       b. *Commercial Establishment* - means any business offering Internet access or  
13       services for a fee or profit.
- 14       c. *Filtering Device* - means any software installed in the computer or any program  
15       activated from the service provider or any other such device that can effectively  
16       block unwanted websites particularly those containing sexually explicit and/or  
17       violent materials.
- 18       d. *Internet* - means the collective myriad of computer and telecommunications  
19       facilities, including equipment and operating software, which comprise the  
20       interconnected world-wide network of networks that employ the Transmission  
21       Control Protocol Internet Protocol, or any predecessor successor protocols to  
22       such protocol, to communicate information of all kinds by wire or radio.
- 23       e. *Internet Service Provider* - means any company that provides Internet access  
24       for individuals, organizations and companies.
- 25       f. *Material Harmful to Children* - means any communication, picture, image,  
26       graphic image file, article, recording, writing, or other matter of any kind that  
27       is obscene, or that a reasonable person would find
- 28               1. taking the material as a whole and with respect to children, is designed to  
29               appeal to, or is designed to pander to, the prurient interest;
- 30               2. depicts, describes, or represents, in a manner patently offensive with respect  
31               to children;

1 (i) an actual or simulated sexual act or sexual contact;

2 (ii) an actual or simulated normal or perverted sexual act; or

3 (iii) a lewd exhibition of the genitals or post-pubescent female breast.

4 3. taking the material as a whole, lacks serious literary, artistic, political, or  
5 scientific value for children; and

6 4. taking the material as a whole, and is designed to entice children to the use  
7 of alcohol, drugs and other dangerous substances.

8 g. *Website* - means any collection of material placed in a computer server-based  
9 file archive so that it is publicly accessible over the Internet using hypertext  
10 transfer protocol, or any successor protocol.

11 Sec. 4. *Coverage*. - The provisions of this Act shall be applicable to all  
12 commercial establishments granting access to Internet, with or without a fee, and to  
13 all other public institutions from which children can access the Internet.

14 Sec. 5. *Restricted Access to Harmful Materials*. - All commercial  
15 establishments shall restrict access to materials harmful to children by offering filtered  
16 Internet service using end-user or PC-based filtering software or any such other  
17 filtering device to all Internet users defined as children under this Act.

18 All other offices, companies, establishments or public institutions offering Internet  
19 services or access, such as but not limited to private or public schools, libraries,  
20 restaurants and internet cafes, shall likewise use such filtering device that it deems  
21 appropriate for the purpose of blocking webpages that contain materials harmful to  
22 children.

23 Sec. 6. *Prohibited Acts*. - The following acts are hereby declared prohibited and  
24 unlawful:

25 a. Operating a website primarily for commercial purposes knowingly, and with  
26 knowledge that it contains material that is harmful to children as defined in  
27 Section 3 (f) of this Act, except when:

- 1           1. the home page, or any other page or screen that is initially viewable by a
- 2           visitor to such website, does not include any material that is harmful to
- 3           children;
- 4           2. access to any such material is restricted to a specific set of individuals
- 5           through an age verification requirement; and
- 6           3. the source code of such website contains the content description tag
- 7           assigned to such website by the Department of Information and
- 8           Communications Technology (DICT).
- 9           b. Operating a website containing any material harmful to children without
- 10          displaying prominently the DICT tag on the home page or screen initially
- 11          viewable by a visitor.

12           *Sec. 7. Duty to Report.* - It is hereby mandatory for all Internet Service  
13 Providers, credit-card companies and banks, teachers, and duly-licensed commercial  
14 establishment owners to report suspected and actual operation of website containing  
15 materials harmful to children over the Internet, including but not limited to child  
16 pornography, sexually explicit and violent materials, without displaying the DICT tag  
17 as required under Section 6 of this Act to the Online Child Safety Council established  
18 under this Act, or to the nearest law enforcement office in the locality.

19           Any person, having actual knowledge that a commercial establishment or a  
20 public institution from which children can access the Internet does not make use of  
21 the required filtering device, have the duty to immediately report the same to the  
22 Online Child Safety Council or to the nearest law enforcement office in the locality.

23           *Sec. 8. Penalties.* -

- 24          a. Any person, natural or juridical, found in violation of Section 5 hereof shall be
- 25          punished with imprisonment of *prision mayor* and/ or a fine of not less than
- 26          One Hundred Thousand Pesos (P100,000.00) at the discretion of the court of
- 27          proper jurisdiction.
- 28          b. Any person, natural or juridical, found in violation of Section 6 hereof shall be
- 29          punished with imprisonment of *prision correctional* and/or a fine of not less
- 30          than Seventy Thousand Pesos (P70,000.00), at the discretion of the court of
- 31          proper jurisdiction.

- 1 c. In addition to the above penalties, all permits and licenses given to the website  
2 operator, or to the commercial establishment shall be revoked. All properties  
3 and instrumentalities used in committing the acts in Sections 5 and 6 hereof, as  
4 well as all the proceeds therefrom, shall likewise be forfeited in favor of the  
5 government.
- 6 d. In case the offender is a juridical person, the president, vice-president, and  
7 chairman of the board shall be liable for the penalty of imprisonment.
- 8 e. All persons found to be non-compliant with the mandatory reportorial  
9 requirements set forth in Section 7 hereof shall be fined the amount of not less  
10 than Thirty Thousand Pesos.

11 *Sec. 9. Online Child Safety Council* - There is hereby established an Online  
12 Child Safety Council under the Department of Social Welfare and Development as the  
13 primary agency responsible for the implementation of this Act. It shall be chaired by  
14 an Undersecretary of the DSWD and composed of duly designated representatives  
15 from the following departments:

- 16 a. Department of Education;  
17 b. Department of Interior and Local Government;  
18 c. Council for the Welfare of Children;  
19 d. Department of Information and Communications Technology; and  
20 e. National Telecommunications Commission.

21 Within ninety (90) days after the effectivity of this Act, the Council shall  
22 establish a Working Group, which will design and develop a common content  
23 description tag not later than one hundred twenty (120) days from the effectivity of  
24 this Act, that:

- 25 1. will provide consumers with advance warning and information about the  
26 content of any website that contains material that is harmful to children; and  
27 2. will allow consumers, based on such tag, to block or filter access to, and display  
28 of, any website that contains material that is harmful to children; and is  
29 technologically capable of being embedded into the source code a website.

30 *Sec. 10. Functions of the Council.* -

- 31 1. Review and evaluate the status and effectivity of the implementation of this Act;

- 1       2. Determine and approve the appropriate Internet filtering and blocking software  
2       that will effectively restrict children's access to prohibited websites:
- 3       3. Recommend measures that will further ensure safety of children in cyberspace  
4       which includes but not limited to educational campaigns, development of  
5       blocking and filtering software, labeling, or other technologies;
- 6       4. Develop, as part of its Internet safety policy, a program for educating children  
7       about appropriate online behavior, including interacting with other individuals  
8       on social networking websites and in chat rooms;
- 9       5. Conduct regular on-site inspections of commercial establishments and other  
10      institutions to monitor compliance with the provisions of this Act; and  
11      provisions of this Act; and
- 12      6. Perform such other functions as may be necessary for the implementation of  
13      the Act.

14           Sec. 11. *Appropriations.* – Such amounts as may be necessary to implement this  
15 Act shall be included in the next succeeding General Appropriations Act.

16           Sec. 12. *Separability Clause.* Should any provision of this Act be declared  
17 invalid, the remaining provisions shall continue to be valid and subsisting.

18           Sec. 13. *Repealing Clause.* All laws, executive orders, or administrative orders,  
19 rules and regulations or parts thereof, which are inconsistent with this Act are hereby  
20 amended, repealed or modified accordingly.

21           Sec. 14. *Effectivity.* - This Act shall take effect fifteen (15) days after its  
22 publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,