

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)

SENATE
S.B. No. 1172

Introduced by Senator Miriam Defensor Santiago


EXPLANATORY NOTE

Due to the proliferation of sexually explicit materials over the internet, this bill seeks to provide stronger protections to parents regarding their children's access to such harmful materials.

Millions of Filipinos now have access to the Internet. Some public schools and libraries in the Philippines are now connected to the Internet. In this day and age of computers, staying safe online should continually be ensured, especially for the children.


Gathering information (often for school), playing games, participating in chat rooms and posting to online message boards are popular activities for young Web surfers.

The Internet has brought many benefits, but it has also raised some safety concerns such as the potential for crime and sexual predators. To make sure children have a safe and rewarding experience on the Web, commercial websites containing harmful materials to minors should be prohibited.


MIRIAM DEFENSOR SANTIAGO
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THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)

SENATE
S.B. No. 0042

RECEIVED: 10/1/07 

Introduced by Senator Miriam Defensor Santiago

AN ACT
TO PROVIDE STRONGER PROTECTIONS TO PARENTS REGARDING THEIR
CHILDREN'S ACCESS TO SEXUALLY EXPLICIT MATERIAL
OVER THE INTERNET

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

SECTION 1. *Short Title.* – This Act shall be known as the “Cyber Safety for Kids Act of 2007”.

SECTION 2. *Definition of terms.* – The following terms as used in this Act shall be defined as follows:

(1) ICANN refers to the Internet Corporation for Assigned Names and Numbers.

(2) Internet refers to the combination of computer facilities and electromagnetic transmission media, and related equipment and software, comprising the interconnected worldwide network of computer networks that employ the Transmission Control Protocol/Internet Protocol or any successor protocol to transmit information.

(3) Material that is harmful to minors refers to any material that is harmful to minors' means any communication, picture, image, graphic image file, article, recording, writing, or other matter of any kind that is obscene, or that a reasonable person would find –

(A) taking the material as a whole and with respect to minors, is designed to appeal to, or is designed to pander to, the prurient interest;

(B) depicts, describes, or represents, in a manner patently offensive with respect to minors –

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

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

(iii) a lewd exhibition of the genitals or post-pubescent female breast; and

(C) taking the material as a whole, lacks serious literary, artistic, political, or scientific value for minors.

(4) Minor refers to any person under 18 years of age.

(5) NTC refers to the National Telecommunications Commission.

(5) Source Code refers to the combination of text and other characters comprising the content, both viewable and non-viewable, of a webpage, including any:

(A) website publishing language;

(B) programming language;

(C) protocol or functional content; and

(D) successor languages or protocols.

(6) Tag refers to a descriptive keyword or term associated with or assigned to a piece of information (such as a picture, article, or video clip), that:

(A) describes such information; and

(B) enables keyword-based classification and filtering of such information as required under this Act.

(7) Website refers to any collection of material placed in a computer server-based file archive so that it is publicly accessible over the Internet using hypertext transfer protocol, or any successor protocol.

SECTION 3. *Prohibition On Commercial Websites Containing Material That Is Harmful To Minors.* –

(a) In General – No person who operates a website located on the Internet where such website is primarily operated for commercial purposes may knowingly, and with knowledge of the character of the material, place material that is harmful to minors on such website unless--

(1) the home page, or any other page or screen that is initially viewable by a visitor to such website, does not include any material that is harmful to minors;

(2) access to any such material is restricted to a specific set of individuals through an age verification requirement; and

(3) the source code of such website contains the content description tag assigned to such website by the NTC.

(b) NTC Description Tag – Not later than 90 days after the date of enactment of this Act, the NTC shall develop a common content description tag that:

(1) will provide consumers with advance warning and information about the content of any website that contains material that is harmful to minors;

(2) will allow consumers, based on such tag, to block or filter access to, and display of, any website that contains material that is harmful to minors; and

(3) is technologically capable of being embedded into the source code a website.

SECTION 4. *Registration Requirements.* –

(a) In General – Any operator of a website who seeks to register such website, or who is required to re-register any existing website with ICANN, shall, at a minimum and in addition to any other information required by ICANN, provide to ICANN the following:

(1) The name of such operator.

(2) The Uniform Resource Locator or URL for such website.

(3) The Internet Protocol address for such website.

(4) The content description tag of such website under Section 3(b).

(b) NTC Action Required – Not later than 30 days after the date of the enactment of this Act, the Secretary of Trade, acting through NTC, shall:

(1) enter into any memorandums of understanding, agreements, and contracts with ICANN, as may be necessary to carry out the requirement under subsection (a); and

(2) make any amendments to any existing memorandums of understandings, agreements, and contracts with ICANN, as may be necessary to carry out the requirement under subsection (a).

SECTION 5. *Enforcement.* –

(a) Violation – Any person who violates this Act shall be subject to such civil penalties as the Secretary of Trade shall prescribe.

(b) Enforcement – The Secretary of Trade shall have the power to enforce the provisions of this Act, including:

- (1) any requirements or limitations applicable to a registrant under Section 4; and
- (2) the imposition and collection of civil penalties under subsection (a).

SECTION 6. *Separability Clause.* – If any provision of this Act is held invalid or unconstitutional, the remainder of the Act or the provision not otherwise affected shall remain valid and subsisting.

SECTION 7. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 8. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,