



Republic of the Philippines
 Province of Aklan
MUNICIPALITY OF MALAY
Office of the Sangguniang Bayan



EXCERPT FROM THE MINUTES OF THE 38TH REGULAR SESSION OF THE SANGGUNIANG BAYAN OF MALAY, AKLAN (2007-2010) HELD AT THE SB SESSION HALL ON DECEMBER 2, 2009.

Present:

- SB Member Esel L. Flores, Presiding Officer Pro-Tempore
- Hon. John P. Yap, Municipal Vice Mayor
- SB Member Wilbec M. Gelito
- SB Member Gideon T. Siñel
- SB Member Rowen T. Aguirre
- SB Member Cristina C. Prado
- SB Member Charlie D. Villanueva
- SB Member Dante C. Pagsuguiron
- SB Member Mateo A. Tayco
- SB Member Roldan M. Casidsid, Liga President

Absent:

- SB Member Niño Elpe D. De Sullan, SK Federation President

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MUNICIPAL ORDINANCE NO. 282
 Series of 2009

AN ORDINANCE REGULATING THE OPERATION OF INTERNET CAFÉ' /COMPUTER GAMES CENTER IN THE MUNICIPALITY OF MALAY, AKLAN.

(SPONSOR: HON. MATEO A. TAYCO)

Be it ordained by the Sangguniang Bayan of Malay, Aklan that;

SECTION 1. - **RATIONALE.** Pursuant to the general welfare clause of R.A. 7160, also known as the Local Government Code of 1991, there is a felt need to enact a viable measure which shall provide appropriate defense mechanics designed to shield minor computer game customers from the negative effects particularly skipping classes and spending their allowances just to play computer games.

SECTION 2. - **DEFINITION OF TERMS.**

- a) **INTERNET CAFÉ' /COMPUTER GAME CENTERS** - any establishment maintaining/operating computer games for fee irrespective of the number of units whether licensed or not.
- b) **OPERATOR** - shall include the owner, manager, administrator or any person who operates and is responsible for the operation of any computer center.
- c) **EDUCATIONAL CENTER SCHOOL** - all institutions of learning, whether private or public.
- d) **CHILD** - refers to:
 - (a) Unborn Child as defined in the Family code and the New Civil Code;
 - (b) A person under the age of 18 years; or

(c) 18 years old and above but is unable to fully take care of himself/herself from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition, as provided for in Section 3 (1) RA 7610, RA9262, RA 9208.

SECTION 3. - **REQUIREMENTS.** No Internet Café'/Computer Game Centers shall be opened for business operation unless the same has been certified to by the Municipal Health Office as having complied with the requirements of the Health Office, and by the Municipal Engineer to certify as to the structural fitness and stability of the building and safeguard facilities for radioactivity as requirements for securing business permit.

SECTION 4. - **REGULATIONS.**

- a) Internet Café'/Computer Game Centers should not allow children during and between the hours from 7:00 am to 11:00 in the morning and 1:00 pm to 4:00 pm and beyond 7:00 o'clock in the evening except on Saturdays, Sundays and Holidays, unless for specific educational or study purposes such as research, data-gathering or statistical purposes.
- b) It shall be the duty of the parents, guardians, teachers in all levels and school authorities to supervise and monitor the activities of their children/pupils/students, extending to them the benefits of moral guidance, self-discipline and advising them the proper time when to indulge in computer games and on any matter affecting their development and well being.
- c) Internet café/computer game center operators are required to post on their premises warning signs to keep students out of their establishments during school hours.
- d) Entrance door of internet café/computer game centers should be transparent and must not be blind tinted.
- e) No internet café/computer game centers with cubicles shall be allowed to operate.
- f) Internet café/computer game centers should install filtering software against pornographic, satanic violent and rebellious sites.
- g) The operator shall set up monitor filter to safeguard radioactivity.
- h) The operator should lock the website or all sources of games in the computer during the said regulated hours.
- i) The operator shall disallow the use, consumption as well as trade of prohibited drugs, intoxicating beverages and cigarettes within the premises of their establishment.
- j) Downloading of movies which is a method of piracy is prohibited.
- k) Internet café/computer game centers should install genuine operating system duly licensed by Microsoft on their computers.

SECTION 5. - **EXEMPTION.** Any educational institution, private home and corporate entity using the internet through an Internet Service Provider for purposes other than business shall not be covered by this ordinance.

SECTION 6. - **PENALTIES.** Violation of the provisions of this ordinance shall be penalized on the following manners:

- FIRST OFFENSE** - a fine of ₱1,000.00
- SECOND OFFENSE** - a fine of ₱2,000.00
- THIRD OFFENSE** - The permit for the operation of the Internet Café/ Computer Game Center shall be withdrawn by the Municipal Mayor's Office and the License thereof will be revoked, forfeiting to the Municipality all sums paid thereto, and shall be penalized by fine of ₱2,500.00 or an imprisonment of six (6) months or both such fine and imprisonment at the discretion of the court.

SECTION 7. - **IMPLEMENTING AGENCY.** The implementing agency of this ordinance shall be the personnel of the Municipal Treasurer's Office and the Philippine National Police.

SECTION 8. - **SEPARABILITY CLAUSE.** If for any reason, any section or provision of this ordinance will be held unconstitutional or invalid by any court of competent jurisdiction, such judgment shall not affect or impair the other provisions or parts thereof which shall continue to be in force and in effect.

SECTION 9. - **REPEALING CLAUSE.** All ordinances, rules and regulations inconsistent with this ordinance are hereby repealed and/or modified accordingly.

SECTION 10. - **EFFECTIVITY.** This ordinance shall take effect upon its approval and publication.

ENACTED. OCTOBER 28, 2009.

APPROVED. DECEMBER 2, 2009.


APPROVED. SP RESOLUTION NO. 2010 – 054, dtd. 3-11-2010

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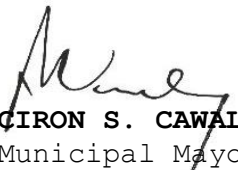
I HEREBY CERTIFY to the correctness of the afore-quoted Municipal Ordinance.


CONCORDIA S. ALCANTARA
 Secretary to the Sangguniang Bayan

ATTESTED:


ESEL L. FLORES
 SB Member
 Presiding Officer Pro-Tempore

APPROVED:


CECIRON S. CAWALING
 Municipal Mayor