



Republic of the Philippines
Department of Education
REGION X- NORTHERN MINDANAO
DIVISION OF MALAYBALAY CITY

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MALAYBALAY CITY DIVISION
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DIVISION ADVISORY

TO: Assistant Schools Division Superintendent
Chief Education Supervisor, CID and SGOD
Public Elementary and School Heads
All Others Concerned

FROM: *[Signature]* VICTORIA V. GAZO
Schools Division Superintendent

DATE: February 12, 2020

SUBJECT: DISSIMINATION OF CITY ORDINANCE NO. 916 SERIES OF 2020 ENTITLED "AN ORDINANCE REGULATING THE OPERATION OF INTERNET CAFES AND PISO NET IN THE CITY OF MALAYBALAY, PROVIDING SAFEKEEPING GUIDELINES FOR MINORS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF".

1. Attached herewith is an excerpt from the minutes of the 27th regular session of the 8th Sangguniang Panlungsod of the City of Malaybalay, Bukidnon dated January 20, 2020 which is self-explanatory.
2. In view thereof, all concerned schools are advised to act on the provisions stipulated under Section 5. Likewise, close monitoring of all activities relative to this section is encouraged.
3. Queries relative to this can be relayed to Rio G. Arbutante, *Education Program Specialist II for Social Mobilization and Networking* at 0917 845 6602.

TO BE POSTED IN THE WEBSITE



Purok 6, Casisang, Malaybalay City
Telefax (088) 314-0094
Email: Malaybalay.city@gmail.com



Republic of the Philippines
Province of Bukidnon
CITY OF MALAYBALAY
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OFFICE OF THE SANGGUNIANG PANLUNGSOD

2020 - 9474
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February 10, 2020

VICTORIA V. GAZO, PhD, CESO V
Schools Division Superintendent
Division of Malaybalay City

Madam:

Respectfully furnishing you a copy of **Ordinance No. 916, Series of 2020** adopted by the 8th Sangguniang Panlungsod of Malaybalay, entitled "AN ORDINANCE REGULATING THE OPERATION OF INTERNET CAFES AND PESO NET IN THE CITY OF MALAYBALAY, PROVIDING SAFEKEEPING GUIDELINES FOR MINORS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF."

For your information and guidance.

Very truly yours,


PHOEBE CORAZON C. HIDALGO
Sangguniang Panlungsod Secretary

Province of Bukidnon
CITY OF MALAYBALAY

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Office of the Sangguniang Panlungsod

EXCERPT FROM THE MINUTES OF THE 27TH REGULAR SESSION OF THE 8TH SANGGUNIANG PANLUNGSOD FOR CY 2020 OF THE CITY OF MALAYBALAY, BUKIDNON HELD AT THE SP SESSION HALL ON JANUARY 21, 2020.

PRESENT: Hon. Councilor Estelito R. Marabe, Presiding Officer
Hon. Councilor Niko P. Aldeguer
Hon. Councilor Rendon P. Sangalang
Hon. Councilor Hollis C. Monsanto
Hon. Councilor Erwin A. Damasco
Hon. Councilor Cromwell Kiril D. Dinlayan
Hon. Councilor Louel M. Tortola
Hon. Councilor Kathleen Cecille C. Pagaling
Hon. Councilor Bonifacio G. Valiente
Hon. Councilor Dave Julian A. Balore

ABSENT : Hon. Councilor Victor M. Barroso
Hon. Councilor Christopher B. Soria

NOTE : Hon. Vice Mayor Jay Warren R. Pabillaran – OIC Mayor

ORDINANCE NO. 916
SERIES OF 2020

AN ORDINANCE REGULATING THE OPERATION OF INTERNET CAFES AND PESO NET IN THE CITY OF MALAYBALAY, PROVIDING SAFEKEEPING GUIDELINES FOR MINORS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

WHEREAS, pursuant to the UN Declaration of the Rights of the Child, the best interest of the child shall be the paramount consideration in the enactment of laws that would enable the child to enjoy special protection, including protection from all forms of neglect, cruelty and exploitation;

WHEREAS, the State recognizes the vital role of children and the youth in nation building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs;

WHEREAS, it is the policy of the City Government of Malaybalay to regulate the operation of all internet cafés and peso net within its jurisdiction in order to protect the over-all welfare of minors who are regular patrons of internet cafés and peso net, and to safeguard them against harmful effects of excessive exposure to cyberspace which brings the risk of "internet addiction", which may further lead in the decline of study habits and academic grades, exposure to sexually-explicit materials, cyber-bullying, online gambling, and such other cybercrimes detrimental to their educational, moral, physical and social well-being.

NOW, THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF MALAYBALAY CITY IN REGULAR SESSION ASSEMBLED, that:

SECTION 1. TITLE. This Ordinance shall be known as the "Ordinance Regulating the Operation of internet cafés and peso net in the City of Malaybalay".

SECTION 2. DEFINITION OF TERMS. For purposes of this Ordinance, the following terms shall mean:

- a. Internet Café – any place that has computers available for a fee to go online via the internet. For the definite purpose of this ordinance, the term shall be used to mean all other business establishments offering internet service for a fee, including computer gaming shops, computer rentals with internet, and the so-called “Pisonet”;
- b. Internet – a worldwide system of computer network linking smaller computer networks, may it be commercial, educational and governmental. It is a limitless place to locate information and entertainment from billions of webpages created by people and companies from around the world;
- c. Minor – refers to any person or individual under the age of eighteen (18) years;
- d. Cyberspace – the interconnection of human beings through computers and telecommunications without regard to physical geography;
- e. Pisonet/Hulog-Piso—a kind of internet café business which allows the user to rent a computer in a per-minute basis, instead of the usual per hour rate. This kind of business is mostly put up inside or in front of residential houses.
- f. Internet Addiction – a term originated by British e-learning professor Nicholas Rushby which refers to a compulsive behavior that interferes with normal living and causes severe stress to family, friends, love ones and one’s environment. As such, “Internet Addicts” make the internet a priority more than study, school activities, and even family and friends.
- g. Cybercrime – refers to a crime in which a computer connected to the internet is used as a tool to commit an offense, e.g., child pornography, cyber bullying and online harassment.

SECTION 3. COVERAGE. This ordinance shall cover all business establishments operating within the territorial jurisdiction of Malaybalay City classified as internet café; to include any enterprise with computer rentals offering access to internet, and all computer gaming shops that offers games without internet, “pisonets”, computer rental with internet, and such other businesses which offer the combination of food and internet.

SECTION 4. SAFEKEEPING GUIDELINES FOR MINORS. Owners/operators of internet cafés and peso nets in Malaybalay City are hereby mandated and given the responsibility to comply with the following:

- a. As basis for allowing or disallowing any minor to enter the internet café, and use the internet, they shall require valid IDs, class schedule and teacher certification;
- b. Prohibit minors from entering and using internet café and/or peso nets during class hours, Monday to Friday, starting 7:00 o’clock in the morning to 5:00 o’clock in the afternoon, unless accompanied by a parent or guardian, or other adult person having the parental care and custody of the minor;
- c. Prohibit minors from entering and using internet café and peso nets beyond 10:00 o’clock in the evening, at any given day of the week, unless accompanied by a parent or guardian, or other adult person having the parental care and custody of the minor. As such, owners, operators and managers of internet cafés and peso nets are hereby obligated to promptly notify the barangay official, police station or social worker of the presence of minors in the establishment during the prohibited hours who refuse to leave the said establishment;
- d. Prohibit minors from entering, loitering, or staying inside or within the premises of internet café and/or peso net during class hours, Monday to Friday, and beyond 10:00 o’clock in the evening at any day of the week;

- e. They shall not abet any minor from entering, using and allowing him/her within their premises on days and times herein deemed as prohibited; and
- f. Post a clear copy of this ordinance with a corresponding warning to the general public as regards to the implementation of this ordinance.

SECTION 5. RESPONSIBILITIES OF SCHOOLS.

- a. Conduct information dissemination and announce during PTA meetings regarding the implementation of this ordinance;
- b. Post a clear copy of this ordinance to conspicuous places within the school's premises for the information and reference of all concerned, especially the pupils and parents;
- c. Monitor and initiate random checking of internet cafés and/or peso nets especially those that are nearby or adjacent to the school's location for any presence of minors who are cutting classes and using internet or loitering or staying thereat during class hours, Monday to Friday, from 7:00 o'clock in the morning to 5:00 o'clock in the afternoon;
- d. Apply appropriate disciplinary action and counselling to minors enrolled in their respective school found to have violated this ordinance; and
- e. Report/collaborate with authorized barangay officials, and concerned city officials with regard to the effective implementation of this ordinance.

SECTION 6. EMPOWERMENT OF THE BARANGAY AS LEAD IMPLEMENTOR.

The barangay, under the leadership of the Punong Barangay, shall have the following powers and functions:

- a. Create and develop a Barangay Task Force intended for the effective implementation and monitoring of this ordinance;
- b. Penalize owner/operator or manager of internet café or peso net found violating the provisions of this ordinance, as mentioned in Section 4 hereof, and issue a corresponding citation ticket bearing the name of the owner of internet café, business name, address, the specific violation committed, and the corresponding penalty. Any proceeds resulting from such issuance of citation ticket shall accrue entirely to Barangay Fund; and
- c. Cooperate with the concerned City Government Offices, officials, law enforcers and schools for the effective implementation of this ordinance.

SECTION 7. PENALTIES.

- a. Owners/operators and managers of internet cafés and/or peso nets found violating the provisions of this ordinance shall be meted with a penalty of Five Hundred Pesos (Php500.00) for every minor found in their premises. It shall be paid within ten (10) days from issuance of citation ticket. Non-payment hereof will subject to the revocation of Business Permit and License to Operate and the closure of the establishment.
- b. A minor who is found violating this ordinance shall be turned over to the Barangay Social Worker for profiling, counselling and other appropriate actions thereof. Thereafter, the minor shall be tendered over to his/her parents, guardian or adult person having parental custody and care, or for the time being, to the Barangay Safekeeping Office for Minors. In addition, a corresponding report shall be furnished to the minor's teacher or principal for appropriate disciplinary action and counselling.

- c. Failure on the part of the Barangay Officials concerned to dutifully perform their duties and responsibilities herein provided, or found abetting a minor or internet café and/or peso net owner/operator or manager to commit acts against the provisions of this ordinance, shall constitute an administrative offense punishable under existing pertinent laws.
- d. Parents, guardians, or any adult having the care and custody of the minor found to be in violation of this ordinance shall be proceeded against in accordance with Article 59 and 60 of Presidential Decree No. 603 or the Child and Youth Welfare Code, or of Malaybalay City Code of Parental Responsibility.

SECTION 8. IMPLEMENTING RULES AND REGULATIONS. Within thirty (30) days upon approval of this Ordinance, the City Mayor shall cause the issuance of the Implementing Rules and Regulations (IRR) as are necessary for the effective implementation of this Ordinance. The following offices shall formulate the necessary Rules and Regulations for its effective implementation and are hereby tasked to monitor and inspect the strict compliance of this Ordinance:

- a. Malaybalay City Police Station
- b. City Legal Office
- c. City Prosecutor's Office
- d. President of Liga ng mga Barangay of Malaybalay
- e. City Social and Welfare Development Office
- f. City Business and Licensing Office
- g. City School Superintendent

SECTION 9. INCORPORATING AND REPEALING CLAUSE. All existing Ordinances related and not inconsistent to the purpose for which this Ordinance has been passed and approved are deemed incorporated. Those that are inconsistent are hereby repealed or amended.

SECTION 10. SEPARABILITY CLAUSE. If any part or provision of this Ordinance is declared unconstitutional or invalid, the same shall not affect the validity and effectivity of the other parts or provisions hereof.

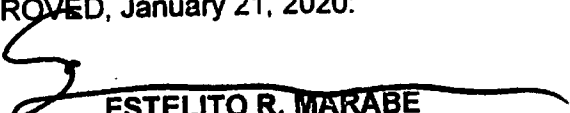
SECTION 11. EFFECTIVITY. This Ordinance shall take effect upon approval and after due posting and publication in a newspaper of general circulation in the locality for three (3) consecutive times.

ENACTED:

I HEREBY CERTIFY to the correctness of the foregoing ordinance which was duly adopted by the Sangguniang Panlungsod during its 27th Regular Session held at the Old Municipal Building People's Hall on January 21, 2020.


PHOEBE CORAZON C. HIDALGO
 Sangguniang Panlungsod Secretary

APPROVED, January 21, 2020:


ESTELITO R. MARABE
 City Councilor
 Temporary Presiding Officer

APPROVED:


FLORENCIO T. FLORES, JR.
 City Mayor