



Excerpt from the

MINUTES OF THE 15th REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BAYBAY, LEYTE HELD IN THE SESSION HALL ON APRIL 11, 2006

PRESENT:

HON. FLORANTE M. CAYUNDA.....	Municipal Vice Mayor & Presiding officer
HON. ERNESTO M. BUTAWAN.....	Sangguniang Bayan Member
HON. VICENTE G. VELOSO.....	-do-
HON. DEOGRACIAS E. PERNITEZ.....	-do-
HON. JOSE C. GO.....	-do-
HON. EDGARDO R. OMPOY.....	-do-
HON. REX A. RETANA.....	-do-
HON. EDUARDO S. GUINOCOR, JR.....	-do-
HON. MICHAEL L. CARI.....	President, Liga ng mga Barangay
HON. GUALBERTO B. PICAL, JR.....	SK Federation, President

ABSENT:

HON. JUANITO B. MODINA..... SB Member, OB, Tagum

MUNICIPAL ORDINANCE NO. 001 S. 2006

AN ORDINANCE AMENDING MUNICIPAL ORDINANCE NO. 002 S. 2004 OTHERWISE KNOWN AS AN ORDINANCE REGULATING THE OPERATION OF VIDEO AND COMPUTER GAMES BUSINESSES, PROVIDING AS ADDITIONAL COVERAGE THEREOF INTERNET CAFES/ SERVER AND PROVIDING FURTHER A STIFFER PENALTIES THEREOF.

INTRO. & SPONSORED BY: SBM ERNESTO M. BUTAWAN & SBM DEOGRACIAS E. PERNITEZ

Be it enacted by the Sangguniang Bayan of the Municipality of Baybay in session assembled that:

The following Sections are hereby amended to read as follows:

SECTION 1. - The title of this ordinance shall be "An Ordinance Regulating the Operation of Video and Computer Games and Internet Cafes/Server" within the territorial jurisdiction of Baybay, Leyte.

SECTION 2. - Definition of terms shall include the following:

- f. Internet cafes/server- is any establishments that offer to public for fee or otherwise the use of any computer machines as a mode, method or means of communicating directly or indirectly other persons.
- g. Web Cam- is a device or an accessory of the internet mechanism which can capture the live clear image of the persons chatting and shown it at the computer screen/monitor
- h. Chatting - refers to the act of communicating through and by the use of internet mechanism
- i. Internet Mechanism - is the computer machines, its key board, CPU mouse, printer, web cam, and other accessories.
- j. School hours - shall meant from 7:00 a.m. to 12:00 noon and from 1:30 pm to 5:00 pm.

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SECTION 3. - Place of Business - No business establishments will be allowed or engaged to operate in business within 200 meters radius from the school perimeter fence. Those establishments that were already in operation before the enactment of this ordinance are given six (6) months grace period to relocate their place of business within the allowable distance.

SECTION 4. - No elementary and high school students below 18 years of age are allowed to play video games, computer games, and/or use the internet as a mode, method or means of communications, (chatting), or use it to play games, except in the following instances.

1. At anytime after school hours or during holidays, Sundays and Saturdays and vacation period, provided, the student is accompanied by his/her parents or guardian and in their absence any of his/her relatives who is at least 18 years of age.
2. During school hours, provided the student is doing a research work as part of their lesson or school activities as certified to by his/her school teacher and approved by the school principal but in no case the use of the internet shall exceed 2 hours.

SECTION 5. - Prohibited acts

1. The exhibition of lewd shows either as background or as wallpaper of the computer or as part of entertainment package of the establishment.
2. The installation of cubicle, curtains and other division for every unit of the computer used either as an internet server or as computer game or video game to the extent that the user is isolated from the open view of the public.
3. The exhibition of any of the private and sensitive parts of the body of the user in the web cam for consumption of his/her chat mate.

SECTION 6. Penalty Clause

Students who violated any of the provisions mentioned in Section 4 hereof are liable to pay a fine of;

- a. P50.00 for the first offense plus referral to the school authorities concern for appropriate action;
- b. P100.00 for the second offense plus referral to MSWD for counseling of the student and parents/guardian and referral to the school authorities concern for appropriate action.
- c. P200.00 for the third offense plus suspension from classes as determined by the school authorities concern.

Operators who violated any of the provisions mentioned in Section 4 and 5 hereof are liable to pay a fine of P2,000.00, cancellation of business and mayor's permit and imprisonment of 30 days.

SECTION 7. - Implementing for this particular ordinance will be Philippine National Police, Barangay Tanods, Barangay Officials, Dept. of Social Welfare and Development, our local DECS from Elementary and High School Department and Local Law Enforcement Action Group (LEAG) under the Office of the Mayor. The lead agency will be the Dept. of Social Welfare and Development.

SECTION 8. - The lead agency which is Social Welfare and Development are authorized to make additional rules and regulations for an effective implementation of this

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(Cont'd Mun. Ord. No. 001 s. 2006)

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ordinance subject to the approval of this body.

SECTION 9.- Separability Clause - If any section of this ordinance will be declared illegal or unconstitutional such declaration will not affect the whole ordinance.

SECTION 10. - Effectivity - This ordinance shall take effect after its approval and publication.

RESOLVED, FURTHER, to let certified copies of this ordinance be furnished to the Sangguniang Panlalawigan of Leyte, Tacloban City, Municipal Treasurer, Philippine National Police, all passengers bus and jitney operators utilizing the services of the Baybay Bus Terminal, this municipality.

ENACTED, April 11, 2006

I HEREBY CERTIFY to the correctness of the foregoing ordinance which was duly adopted by the Sangguniang Bayan during its regular session held on April 11, 2006.

AMELITO V. BORNEO
SB Secretary

ATTESTED AND CERTIFIED TO BE
DULY ADOPTED.

FLORANTE M. CAYUNDA
Municipal Vice Mayor &
Presiding Officer

APPROVED BY HIS HONOR:

JOSE CARLOS L. CARI
Municipal Mayor

EDGARDO R. OMPOY
SB Member

JOSE C. GO
SB Member

DEOGRACIAS E. PERNITEZ
SB Member

VICENTE G. VELOSO
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ERNESTO M. BUTAWAN
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MICHAEL L. CARI
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GUABERTO B. PICAL, JR.
SB Member