

Comments on **Senate Bill No. 1499**: “*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.*” (Introduced by Senator Leila M. De Lima)

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1. Issue of identification – The proposed law restricts access by children of harmful materials via the internet service provided by commercial establishments and other institutions. But how does one distinguish between a child and an adult from mere handset or mobile number since we don’t register mobile phone numbers? For instance, in malls that provide free WIFI, all one needs to have is a phone number and the free WIFI service can be accessed. In other words, access to the free WIFI service can be automatic. Is the proposed law meant to require malls to filter their systems altogether because they could not distinguish minors from adults? This is easier to implement in coffee shops or internet cafes where the passwords for Internet access are provided manually by the establishment.
2. Issue of relevance – Even if the proposed bill can lessen children’s exposure to harmful things through filtering their access to the internet in internet cafes and computer shops, many children are still vulnerable because they can easily connect to the internet nowadays through their mobile prepaid data service. Since we do not register mobile phone numbers (so that we can identify the handset owners – a child or adult), there is no way for the Telcos to know which ones to filter. Based on the Digital 2018 report of UK-based firm We Are Social, more than half of the Philippine population, at 62 million, access the internet using a mobile device. We are not certain how many children have their own handsets, but it is important to gather information for us to know whether the policy design is relevant or not.
3. Issue of balancing the risks and opportunities – Restricting children’s use of the Internet will also limit their access to opportunities, how do we make children more resilient when we restrict them too much? Perhaps the right question - is how to restrict them such that there is balance?

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4. The issue of technology that is ever evolving - Technology including the internet is always changing. Platforms are continuously being re-designed because technologists are always on the lookout for finding new ways of communicating or making money. How will the law adjust to such changes? How do we make sure that the tags being used in filtering are exhaustive? The language in the Internet is also quickly evolving, how does the proposed bill account for these? Also, if we are going to run after website operators (see Section 6), how do we account for the fact that there are around 2 billion websites around the world? Around 140,000 websites are created each day² not to mention that most of these are created outside the Philippine jurisdiction.

Other thoughts:

How do we complement this law with other efforts to encourage children to spend less time online and more in offline activities, such as in outdoor activities, when there is hardly enough space for them to move around? We do not have enough space for children's amusement, how many cities have public parks? We may not owe our children recreational facilities, but how much effort do we provide for development of safe environment for our children? I think we also need to exert effort into providing them alternative ways for them to explore their interests. Moreover, while the intent of the proposed legislation is good, this is an issue that depends on the nuances and details – the development of its IRR should it be made into law must be evidence- informed, considering greatly how Filipino children of today utilize this technology so we can install more effective safeguards into the policy.

^aBased on a 2012 survey conducted by Netcraft. <https://www.quora.com/How-many-websites-are-launched-each-day>