



Republic of the Philippines
House of Representatives
Quezon City

SEVENTEENTH CONGRESS

Second Regular Session

House Bill No. **7802**



Introduced by Representative JOSE ENRIQUE S. GARCIA III

EXPLANATORY NOTE

This bill seeks to mandate the provision of wireless internet access in all commercial establishments.

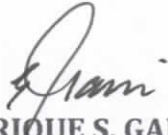
Section 12, Article XIV of the 1987 Constitution provides that the State shall regulate the transfer and promote the adaptation of technology from all sources for the national benefit. It shall encourage the widest participation of private groups, local governments, and community-based organizations in the generation and utilization of science and technology. This bill seeks to balance the interests of owners of establishments and maximization of the interests of consumers.

There is a view that there exists a right to internet access, that all people must be able to access the internet in order to exercise and enjoy their rights to freedom of expression and opinion and other human rights, and that states have a responsibility to ensure that Internet access is broadly available. This representation, while falling short of declaring it a right, does believe maximizing wireless internet access is the appropriate decision to make.

There are numerous benefits for establishments and businesses in providing for access to internet. It presents an opportunity to collect customer data and allows businesses to connect with their customers on a personal basis. It also is a minimal investment that would entice customers to spend more time and increase sales in the process. It is also an opportunity for free promotion if used wisely.

More importantly, it paves the way for customers to choose to pay for goods and services using mobile applications and leveraging many new technologies, all which cannot be used without access to the internet.

Support for this bill is therefore earnestly sought.


JOSE ENRIQUE S. GARCIA III
2nd District, Province of Bataan



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**AN ACT MANDATING THE PROVISION OF WIRELESS INTERNET
ACCESS IN ALL COMMERCIAL ESTABLISHMENTS**

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

1 **SECTION 1.** *Short Title.* – This Act shall be known as the “Wi-Fi in All
2 Establishments Act of 2018.”

3 **SECTION 2.** *Declaration of Policy* – The State recognizes the vital role of
4 information and communications technology in nation-building and declares its
5 policy to promote an environment for the development of structures that would
6 ensure the availability and accessibility to reliable and secure internet access
7 suitable to the needs and aspirations of the Filipino people.

8 **SECTION 3.** *Definition of Terms* – As used in this Act, the term:

9 (a) “*Commercial establishment*” – refers to any establishment used for
10 commercial purposes and operating for, selling products to, or
11 providing services to the general public. The term refers to
12 establishments such as but not limited to retail stores, banks, financial
13 institutions, supermarkets, schools, hotels, and restaurants.

14 (b) “*Covered establishment*” – refers to any commercial establishment
15 with work premises of not less than fifty (50) square meters.

16 (c) “*Access Point*” – refers to a networking hardware device that allows a
17 device to connect to a wired network.

(d) *"Hotspot"* – refers to a physical location where people may obtain Internet access, typically using Wi-Fi technology, via a wireless local area network using a router connected to an internet service provider.

SECTION 4. Duties of Covered Establishments. – It shall be the duty of all covered establishments to:

(a) Install and maintain in good working condition an internet hotspot in their establishment;

(b) Ensure that no extra charge shall be collected from customers to connect to the internet access points;

(c) Take appropriate measures to ensure the data privacy and security of their customers connected to their hotspots.

SECTION 5. Notice of Hotspot– The fact that the establishment offers an internet hotspot shall be made known to the general public through a written notice displayed at the entrance and/or other conspicuous places of the establishment as appropriate.

SECTION 6. Penal Clause – Any act or omission causing the violation of duties ascribed to commercial establishments under this Act shall be punishable with imprisonment not exceeding (6) months, or a fine not exceeding Five Thousand Pesos (Php5,000.00), or both; without prejudice to other civil or criminal liabilities that may arise therefrom.

The owner and/or manager of the establishment shall likewise be answerable for violations of this Act provided it is shown that the violation was due to his/her direct participation, lack of supervision, or negligence.

SECTION 7. Implementing Agency – The Department of Trade and Industry shall be the primary implementing and supervising agency for the implementation of this act. Within ninety (90) days from the effectivity of the act, and in coordination with the National Privacy Commission and the Department of Information Communications Technology, the DTI shall formulate the necessary implementing rules and regulations as may be necessary to carry out the purposes of this Act. These guidelines shall include provisions for the appropriate protection of the establishments against misuse such as but not necessarily requiring the availment of services as a condition for internet access.

It shall likewise formulate a procedure and standard for the exemption of establishments from coverage of this Act, taking into consideration factors such

1 as but not limited to the location, purpose, facilities, and income of said
2 establishment.

3 **SECTION 8. *Separability Clause*** – If, for any reason, any part or provision
4 of this Act is declared invalid or unconstitutional, the remaining parts or
5 provisions not affected shall remain in full force and effect.

6 **SECTION 9. *Repealing Clause*** – All laws, presidential decrees, executive
7 orders, rules and regulations contrary to or inconsistent with the provisions of
8 this Act are hereby repealed or modified accordingly.

9 **SECTION 10. *Effectivity*** – This Act shall take effect fifteen (15) days upon
10 the approval and publication thereof.

11 *Approved.*