

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. 7479



Introduced by Representative Luis N. Campos, Jr.

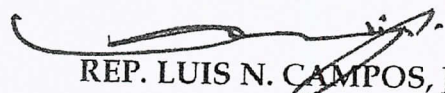
EXPLANATORY NOTE

The Constitution recognizes the vital role communication and information in nation building (Article II, Section 24) as well as the authority of the State to regulate and promote the adaptation of technology for the national benefit (Article XIV, Section 10). While heavily considering the right to internet access as a fundamental human right, the United Nations admit that certain declared universal human rights such as education necessitate internet access.

In the Philippines, not only our students need reliable internet to continue their education. Businesses require internet for continued operations, delivery services that facilitate working from home require the internet for navigation and coordination, and communication applications which facilitate real time communication and coordination to entire groups of people require reliable internet. Even government services require the internet to continue operations during this pandemic. In Makati, the Makatizen application which provides an array of government services from grocery delivery to help hotlines runs on an internet-based platform.

This bill which has already undergone technical discussion in the House of Representatives' Committee on Information and Communications Technology is refilled to continue the pursuit of reliable internet. This is done by empowering the National Telecommunications Commission to consider the internet as a basic service within their regulatory mandate under the Department of Information, Communication, and Technology. This bill ensures that every Filipino has the right to affordable and reliable telecommunication service which shall include internet connections.

In line with the foregoing the passage of this bill is earnestly sought.


REP. LUIS N. CAMPOS, JR

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AN ACT
AMENDING THE POWERS OF THE NATIONAL TELECOMMUNICATIONS
COMMISSION AND CLASSIFYING THE INTERNET AS A BASIC
TELECOMMUNICATION SERVICE, AMENDING FOR THE PURPOSE
REPUBLIC ACT NO. 7925, OTHERWISE KNOWN AS THE PUBLIC
TELECOMMUNICATIONS POLICY ACT OF THE PHILIPPINES

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

1 SECTION 1. Section 3 of Republic Act 7925, otherwise known as the "Public
2 Telecommunications Policy Act of the Philippines", is hereby amended to read as
3 follows:

4 *"Sec. 3. Definitions and Interpretations. - For purposes of this Act, the*
5 following terms shall be used:

6 XXX

7 (L) INTERNET - REFERS TO ALL FORMS OF COMMUNICATION
8 AND DATA TRANSFER NETWORKS THAT ALLOW COMPUTERS AND
9 DEVICES TO CONNECT WITH EACH OTHER WORLDWIDE.

10
11 SEC. 2. Section 5 of the same Act is hereby amended to read as follows:

12 *"Sec. 5. Responsibilities of the National Telecommunications Commission. - The*
13 National Telecommunications Commission (Commission) shall be the principal
14 administrator of this Act and as such shall take the necessary measures to

1 implement the policies and objectives set forth in this Act. Accordingly, in
2 addition to its existing functions, the Commission shall be responsible for the
3 following:

4 X X X

5 (b) Ensure quality, safety, reliability, security, compatibility and inter-
6 operability of telecommunications facilities and services, **INCLUDING ALL**
7 **TYPES OF INTERNET CONNECTION SERVICES**, in conformity with
8 standards and specifications set by international radio and telecommunications
9 organizations to which the Philippines is a signatory;

10 X X X

11 (f) Protect consumers against misuse of a telecommunications entity's
12 monopoly or quasi-monopolistic powers by, but not limited to, the investigation
13 of complaints and exacting compliance with service standards from such entity;
14 [and]

15 (g) In the exercise of its regulatory powers, continue to impose such fees
16 and charges as may be necessary to cover reasonable costs and expenses for the
17 regulation and supervision of the operations of telecommunications entities [.] ;

18 **(H) DEVELOP, IMPLEMENT AND MAINTAIN STANDARDS,**
19 **POLICIES, PROGRAMS, AND PLANS TO PROVIDE EFFECTIVE,**
20 **EFFICIENT, AND RELIABLE TELECOMMUNICATIONS SERVICES**
21 **WHICH SHALL INCLUDE INTERNET SERVICES;**

22 **(I) IN THE FURTHER EXERCISE OF ITS REGULATORY POWERS,**
23 **IMPOSE FINES AGAINST PUBLIC TELECOMMUNICATION ENTITIES**
24 **WITHIN THE SCOPE OF ITS REGULATION, WHICH ARE FOUND TO**
25 **HAVE VIOLATED, VIOLATING, OR THOSE WHICH HAVE FAILED OR**
26 **ARE FAILING TO COMPLY WITH THE TERMS AND CONDITIONS OF**
27 **THIS ACT, ANY CERTIFICATE, OR ANY ORDER, DECISION OR**
28 **REGULATION OF THE COMMISSION.**

1 THE ERRING PUBLIC TELECOMMUNICATION ENTITY SHALL BE
2 SUBJECT TO A FINE AMOUNTING TO THE TOTAL ACTUAL LOSS OR
3 OVERCHARGING AS DETERMINED BY THE COMMISSION FOR EVERY
4 DAY DURING WHICH SUCH DEFAULT OR VIOLATION CONTINUES,
5 OR IF IT IS NOT FEASIBLE TO QUANTIFY THE OFFENSE, TO A FINE
6 AMOUNTING TO ONE MILLION PESOS (PHP1,000,000.00) FOR EVERY
7 DAY DURING WHICH SUCH DEFAULT OR VIOLATION CONTINUES
8 UNTIL THE AMOUNT IS FULLY PAID: *PROVIDED, THAT, IF THE*
9 *TELECOMMUNICATION ENTITY HAS A GROSS ANNUAL INCOME*
10 *NOT EXCEEDING TEN MILLION PESOS (PHP10,000,000.00), THE*
11 *PENALTY THAT MAY BE IMPOSED SHALL BE EQUIVALENT TO ONE*
12 *PERCENT (1%) TO TWO PERCENT (2%) OF ITS GROSS ANNUAL*
13 *INCOME. THE COMMISSION IS HEREBY AUTHORIZED AND*
14 *EMPOWERED TO IMPOSE SUCH FINE, AFTER DUE NOTICE AND*
15 *HEARING. THE ERRING TELECOMMUNICATION ENTITY IS ALSO*
16 *MANDATED TO REFUND TO CONSUMERS THE CHARGES IT*
17 *ERRONEOUSLY IMPOSED TO ITS SUBSCRIBERS; AND*

18 (I) THE COMMISSION SHALL REQUIRE PUBLIC
19 TELECOMMUNICATION ENTITIES WITH SIGNIFICANT MARKET
20 POWER AS DETERMINED BY THE PHILIPPINE COMPETITION
21 COMMISSION (PCC) TO PROVIDE TIMELY ACCESS TO ITS NETWORK,
22 FACILITIES OR EQUIPMENT TO ACCESS SEEKERS ON A FAIR,
23 REASONABLE AND NON-DISCRIMINATORY TERMS AND
24 CONDITIONS."

25
26 SEC. 3. Section 12 of the same Act is hereby amended to read as follows:

27 "Sec. 12. *Mobile Radio Services.* - [In a local telephone exchange area, m]
28 More than one duly enfranchised provider of mobile radio services, distinct and
29 separate from the local exchange carrier, may be allowed to operate. However,
30 such entities shall secure prior authority from the Commission and, in addition,

1 comply with the [conditions imposed on VAS and with the] norms on radio
2 frequency spectrum utilization.

3 [The operator of XXX a mobile radio telephone system.]”
4

5 SEC. 4. Section 15 of Republic Act 7925 is hereby amended to read as follows:

6 “Sec.15. [Radio Frequency Spectrum.] **USE OF AVAILABLE OR**
7 **UNASSIGNED SPECTRUM.** – The radio frequency spectrum allocation and
8 assignment shall be subject to **AN ANNUAL REVIEW. THE USE THEREOF**
9 **SHALL BE SUBJECT TO** reasonable spectrum user fees. Where demand for
10 specific frequencies exceed availability, the Commission shall hold open tenders
11 for the same and ensure wider access to this limited resource.

12 **WITHIN ONE (1) YEAR FROM THE EFFECTIVITY OF THIS ACT,**
13 **THE DEPARTMENT OF INFORMATION AND COMMUNICATIONS**
14 **TECHNOLOGY (DICT), IN CONSULTATION WITH THE COMMISSION**
15 **AND THE PCC, SHALL ISSUE THE GUIDING PRINCIPLES AND POLICY**
16 **DIRECTION FOR THE USE OF SPECTRUM.”**
17

18 SEC. 5. Section 18 of the same Act is hereby amended to read as follows:

19 “Sec.18. *Access Charge/Revenue Sharing.* – The access charge/revenue
20 sharing arrangements between all interconnecting carriers shall be negotiated
21 between the parties and the agreement between the parties shall be submitted to
22 the Commission **FOR REVIEW AND APPROVAL.** In the event the parties fail
23 to agree thereon within a reasonable period of time, the dispute shall be
24 submitted to the Commission for resolution.

25 In adopting or approving an access charge formula or revenue sharing
26 agreement between two or more carriers, particularly, but not limited to a local
27 exchange, interconnecting with a mobile radio, interexchange long distance
28 carrier, or international carrier, the commission shall ensure equity, reciprocity

1 and fairness among the parties concerned. [In so approving the rates for XXX
2 interconnecting with them.]”

3
4 SEC. 6. A new Section shall be inserted after Section 18 of the same Act to read as
5 follows:

6 “SEC. 18-A TRANSPARENCY. - ALL INTERCONNECTING
7 CARRIERS SHALL PROVIDE TO THE COMMISSION ALL TERMS AND
8 CONDITIONS, INCLUDING RATES, OF ACCESS CHARGE/REVENUE
9 SHARING ARRANGEMENTS SUCH CARRIERS HAVE ENTERED INTO.

10 ALL TELECOMMUNICATIONS SERVICE PROVIDERS SHALL
11 OPEN THEIR BOOKS OF ACCOUNT TO THE COMMISSION, WHO IS
12 EMPOWERED TO DEMAND COPIES THEREOF.”

13
14 SEC. 7. Section 20 of the same Act is hereby amended to read as follows:

15 “Section 20. Rights of End-Users. - The user of telecommunications service
16 shall have the following basic rights:

17 XXX

18 (b) Right to be given the first single-line telephone connection or the first
19 party-line connection within two (2) months of application for service, against
20 deposit; or within three (3) months after targeted commencement of service in
21 the barangay concerned per the original schedule of service expansion approved
22 by the Commission, whichever deadline comes later [;] OR WITHIN ONE (1)
23 MONTH OF APPLICATION FOR SERVICE IN CASE OF INTERNET
24 APPLICATIONS;

25
26 (c) Regular, timely and accurate billing, courteous and efficient service at
27 utility business offices and by utility company personnel [; and] , AS WELL AS
28 PROMPT CORRECTION OF ERRORS IN BILLING AND THE PROVISION
29 FOR IMMEDIATE REBATES OR REFUND;

1
2 (d) Thorough and prompt investigation of, and action upon complaints. The
3 utility shall endeavor to allow complaints to be received over the telephone,
4 **THROUGH E-MAIL, SMS AND OTHER AVAILABLE MODES OF**
5 **COMMUNICATION** and shall keep a record of all written or phoned-in
6 complaints;

7
8 **(E) RIGHT TO RECEIVE AFFORDABLE, QUALITY, EFFICIENT, AND**
9 **RELIABLE TELECOMMUNICATIONS SERVICE WHICH SHALL**
10 **INCLUDE INTERNET SERVICES; AND**

11
12 **(F) RIGHT TO RECEIVE A WRITTEN CONTRACT INCLUDING SPECIFIC**
13 **DETAILS ON THE SERVICES SUBSCRIBED TO, THE COST AND**
14 **TARIFFS, THE MINIMUM SERVICE QUALITY LEVEL, INCLUDING THE**
15 **PROVISIONS FOR REFUND AND TERMINATION OF CONTRACT IF THE**
16 **WARRANTED QUALITY OF SERVICE IS NOT MET.**

17
18 **SEC. 8. Separability Clause.** – Should any provision herein be declared
19 unconstitutional, the other provisions not affected shall remain in full force and effect.
20

21 **SEC. 9. Repealing Clause.** – Section 23 of Republic Act 7925 *Equality of Treatment*
22 *in the Telecommunications Industry* is hereby repealed. All laws, orders, issuance, rules
23 and regulations or part thereof inconsistent with the provisions of this Act are hereby
24 repealed, amended or modified accordingly.
25

26 **SEC. 10. Effectivity.** – This Act shall take effect fifteen (15) days after its
27 publication in the Official Gazette or in any newspaper of general circulation.

28 Approved,