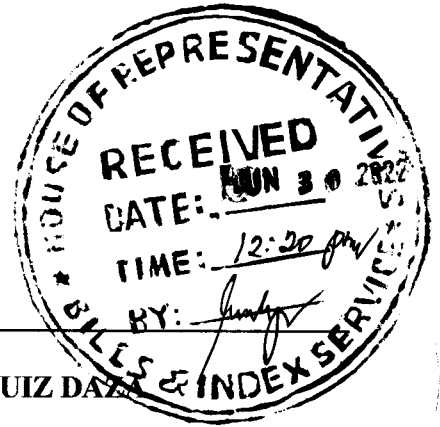


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

House Bill No. 43



INTRODUCED BY REPRESENTATIVE PAUL RUIZ DAZA

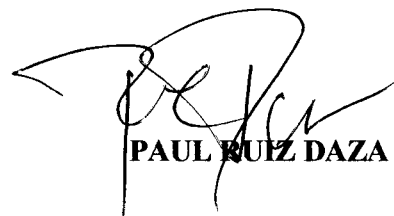
EXPLANATORY NOTE

The importance of internet access on innovation, societal development, and the economy is undeniable. Indeed, the stability and accessibility of internet services in a country contributes to the continued success and further development of government services and corporate practices, thereby leading to a more efficient delivery of services from both the public and private sectors. This is made even more apparent during the COVID-19 pandemic which forced the entire country to rely heavily on internet access to perform our day-to-day activities. Even in 2022, a vast majority in the education sector as well as the workforce are operating through work-from-home arrangements which necessitate reliable and unimpeded internet access.

Unfortunately, certain barriers exist which restrict the ordinary Filipino's access to the internet. For instance, there are still very few service providers in the market, which translates to the demand for internet access quickly outpacing the supply. This then leads to prices for internet subscription plans being exorbitantly high while providing coverage at very low speeds. While policy and institutional interventions were already put in place to meet this high demand, there is still a need to improve these interventions in order to ensure affordable internet access for all Filipinos in both unserved and underserved areas.

Presently, however, the government is charging hefty spectrum user fees (SUF) to telcos using only Wi-Fi connection. This is in spite of the fact that the government should only charge SUFs to telcos using exclusively licensed frequencies or spectrums granted by the government. This is the reason why telcos cannot offer competitive internet plans to its consumers or at least lower the subscription costs for their internet plans. While the National Telecommunications Commission (NTC) has already taken steps to resolve this issue by issuing Memorandum Circular No. 002-09-2021 (September 22, 2021) which reduced spectrum user fees (SUF) for radio frequency (RF) bands, current market conditions indicate that SUF should be eliminated in its entirety in order to further liberalize internet connectivity in the country.

Should this bill pass into law, the Philippines would be aligned to global best practices in the regulation of SUF for Wi-Fi as suggested by the International Telecommunications Union (ITU) of the United Nations which charges zero SUF on Wi-Fi. In fact, the ITU reports that several countries including the United States of America, Australia, Singapore, South Korea, and Indonesia are currently charging zero SUF on Wi-Fi.


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“AN ACT
PROVIDING FOR CHEAPER AND MORE ACCESSIBLE INTERNET FOR ALL”

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

1 **SECTION 1. *Short Title.*** – This Act shall be known as the "*Sana All May Internet Act*".
2

3 **SEC. 2. *Declaration of Policy.*** – The State recognizes the vital role of telecommunication in
4 nation building and as such, it shall implement measures to provide communication standards suitable
5 to the needs and aspirations of the nation.
6

7 As a scarce public resource, the State shall manage the use of the radio frequency spectrum in
8 the interest of the public and in accordance with international agreements and conventions to which the
9 Philippines is a signatory. Towards this end, the government shall allocate the radio frequency spectrum
10 to promote the adoption of appropriate technologies and best practices, an interference-free
11 environment, and the highest service standards and shall assign the radio frequency spectrum to service
12 providers capable of efficiently and effectively using it to meet public demand for telecommunications
13 and data transmission services.
14

15 **SEC. 3. *Objectives.*** – This Act aims to:
16

17 a) Establish a policy and regulation that will reduce to zero the spectrum user fee (SUF) paid by
18 telecommunications entities to the national government, to enable the proliferation of the 2 Wi-Fi
19 technology usage and infrastructure development, and eventually lower the cost of delivering
20 telecommunications services to end users;
21

22 b) Promote the acceleration of internet use in the country and the expansion of Wi-Fi technology
23 and infrastructure in unserved and underserved areas so the poor and underprivileged will have access
24 to reliable, accessible and affordable connectivity;
25

26 c) Encourage and empower the small players in the industry to provide affordable internet
27 services especially in the unserved and underserved areas; and
28

29 d) Adopt a license-free, zero SUF policy in accordance with best international practices, and
30 protect public interest by limiting the use of outdoor Wi-Fi frequency access points or base stations and
31 links to the government and duly enfranchised public telecommunications entities.

1' **SEC. 4. Definition of Terms.** – As used in this Act:

- 2
- 3 a) Internet refers to the biggest worldwide global computer network providing a wide variety of
- 4 information and communication facilities, consisting of interconnected networks using
- 5 standardized communication protocols;
- 6 b) Internet service provider or ISP refers to an entity with or without a franchise, registered as a
- 7 value-added service provider with the National Telecommunications Commission (NTC) and
- 8 authorized to build, install, operate and maintain a network in order to offer internet access
- 9 services to the public for a fee;
- 10 c) Open and unprotected frequency refers to the frequencies at 2.4-2.4835 GHz, 5.150-5.350 GHz,
- 11 and 5.470-5.850 GHz. of the radio spectrum. Any frequency outside of these frequencies is a
- 12 licensed frequency especially if it is included in the frequencies listed in the Department of
- 13 Information and Communications Technology (DICT) policies and NTC Memorandum
- 14 Circulars and issuances which are part of the National Radio Frequency Allocation Table
- 15 (NRFAT);
- 16 d) Public telecommunications entity or PTE refers to any person, firm, partnership or corporation,
- 17 government or private, engaged in the provision of telecommunications services to the public
- 18 for a fee;
- 19 e) Radio frequency spectrum refers to the part of the electromagnetic spectrum with frequencies
- 20 from 30Hz to 300GHz, used for communications which includes frequencies for wireless
- 21 telecommunications technologies such as radio, television, and radar;
- 22 f) Spectrum user fee (SUF) refers to the fee imposed by the government regulator in the use of a
- 23 particular frequency; and
- 24 g) Wi-Fi or Wireless fidelity refers to a type of wireless local access network technology that is
- 25 based on the Institute of Electrical and Electronics Engineers' (IEEE) wireless communication
- 26 standard 802.11 family and uses the 2.4 GHz and 5 GHz frequency band.³

27

28 **SEC. 5. Coverage.** – This Act shall cover Wi-Fi frequencies at 2.4-2.4835 GHz, 5.150-5.350

29 GHz, and 5.470-5.850 GHz, and any other frequency band that the NTC may deem open and unprotected

30 after due notice and hearing. This Act shall in no way amend or repeal Republic Act No. 10929,

31 otherwise known as “The Free Internet Access in Public Places Act”.

32

33 **SEC. 6. Establishing a Zero Spectrum User Fee.** – The State through the DICT and the NTC

34 shall not impose a levy, charge, or collect fees from PTEs and other users for their use of frequencies as

35 specified in this Act: Provided, That PTEs shall not interfere with each other's Wi-Fi airwaves or with

36 any licensed radio stations in the course of their operations, thereby effectively establishing a zero SUF.

37

38 **SEC. 7. Implementing Rules and Regulations (IRR).** – Within sixty (60) days from the

39 effectivity of this Act, the DICT as the lead agency, together with the NTC and representatives from the

40 telecommunications sector shall promulgate the necessary rules and regulations for the effective

41 implementation of the provisions of this Act.

42

43 **SEC. 8. Joint Congressional Oversight Committee (JCOC).** – There is hereby created a Joint

44 Congressional Oversight Committee to monitor the effective implementation of this Act, recommend

45 the necessary remedial or administrative measures and perform such other duties and functions as may

46 be necessary to attain the objectives of this Act.

47

48 The oversight committee shall be composed of eight (8) members, with the Chairpersons of the

49 Senate Committee on Public Services and the House of Representatives' Committee on Information and

50 Communications Technology as Co-Chairpersons. The three (3) members from each House, shall be

51 designated by the Senate President and the Speaker of the House of Representatives, respectively:

52 *Provided, That* at least one (1) member from each House shall be nominated by their respective Minority

53 Leaders. The secretariat of the JCOC shall be the existing secretariat personnel of the concerned

54 Committees of both Houses of Congress.

1 **SEC. 9. *Supplementary Application.*** – The provisions of Republic Act No. 10844 also known as the
2 “Department of Information and Communications Technology Act of 2015” and other laws consistent
3 with this Act shall have supplementary application.
4

5 **SEC. 10. *Separability Clause.*** – If any provision of this Act is declared unconstitutional or
6 invalid, other parts or provisions hereof not affected thereby shall continue to be in full force and effect.
7

8 **SEC. 11. *Repealing Clause.*** – All laws, presidential decrees, executive orders, presidential
9 proclamations, rules and regulations or parts thereof contrary to or inconsistent with this Act are hereby
10 repealed, superseded or modified accordingly.
11

12 **SEC. 12. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in the
13 Official Gazette or in a newspaper of general circulation.

Approved,