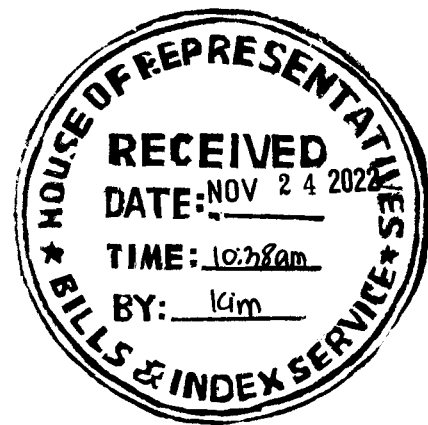




Republic of the Philippines
House of Representatives
Quezon City



NINETEENTH CONGRESS

First Regular Session

House Bill No. 6344

Introduced by Representative Albert S. Garcia

EXPLANATORY NOTE

This bill seeks to require the instant messaging service providers to enable interoperability function in their messaging applications and provide penalties for non-compliance thereof.

For years, the Philippines has maintained the top spot in social media use and other instant messaging services using online platforms such as Facebook (Meta), Viber, WhatsApp, Telegram, WeChat, Line, KakaoTalk and Skype in the whole of Asia. An overwhelming majority of the country's adult population used Messenger to communicate with family members or close friends, followed by Viber based on recently surveyed internet users.

Filipino consumers also reach out to businesses through messaging applications more frequently compared to the pre-pandemic period. The COVID-19 pandemic forced many countries to lockdown, enforce social distancing and restrain face-to-face business operations, resulting to more Filipinos going online, with businesses across many industries increasing their investment and engagement through online channels to connect with customers.

Inasmuch as Filipinos wanted to make the most of and take advantage of instant messaging services using online applications, either for personal or business purposes, they are prevented from doing so due to some restrictions in the instant messaging system. Unlike on mobile phones or email, instant messaging app users cannot directly send a message from one app to another. The lack of platform interoperability often forces consumers to stay with application platforms even if they are no longer comfortable using them. Hence, people stick to the most prominent platforms because they have no other choice and that it is where their contacts are concentrated.

The European Union (EU) has recently ratified the "*Digital Markets Act*" which mandates large companies providing core platform services, with a market capitalization of at least 75 billion euro or an annual turnover of 7.5 billion, to be designated as gatekeepers that will provide certain services such as browsers,

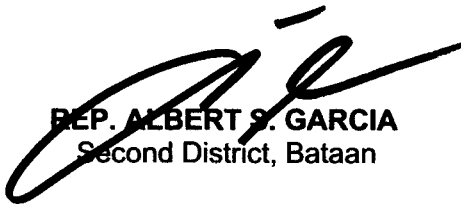
messengers or social media, which have at least 45 million monthly end users in the EU and 10,000 annual business users. Also, the largest messaging services, such as WhatsApp, Facebook Messenger or iMessage will have to open up and interoperate with smaller messaging platforms. Users of small or big platforms would then be able to exchange messages, send files or make video calls across messaging apps, thus giving them more choices.

This bill seeks to ease the burden of end users by imposing instant messaging interoperability between apps while ensuring that communications remain encrypted from user to user. This means that users of different messaging applications can send messages and share images, voice messages, videos and other attached files without using their respective online platforms. For instance, a Facebook (Meta) app user can directly send an instant message to a Viber app user without using a Viber account. It will also ensure that service integrity, security and encryption levels by service providers will remain the same.

Moreover, this proposed bill envisions the National Telecommunications Commission (NTC), Department of Information and Communications Technology (DICT) and the National Privacy Commission (NPC) as the lead agencies to provide the standards in the determination of service providers that are capable of including the function of interoperability in their messaging applications, draft the necessary guidelines for interoperability including data security measures, provide technical support to service providers, if necessary, and monitor compliance thereof.

Ensuring the interoperability of instant messaging services' basic functionalities across all platforms is not only a landmark piece of legislation. It will also undoubtedly provide tangible results to all consumers who will get the choice to use instant messaging services without losing control over their data. This will also provide a competitive industry and offer new opportunities for app developers, small businesses will get more access to business-related data, and the online advertising market will become reasonable.

In view of the foregoing, the immediate passage of this bill is earnestly sought.



REP. ALBERT S. GARCIA
Second District, Bataan



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1 **AN ACT**
2 **REQUIRING THE INSTANT MESSAGING SERVICE PROVIDERS TO ENABLE**
3 **INTEROPERABILITY FUNCTION IN THEIR MESSAGING APPLICATIONS**
4

5 *Be it enacted by the Senate and the House of Representatives of the Philippines in*
6 *Congress assembled:*
7

8 **SECTION 1. *Short Title.*** – This Act shall be known as the “*Instant Messaging*
9 *Application Interoperability Act.*”

10 **SEC. 2. *Declaration of Policy.*** – It is the policy of the State to promote the
11 adaptation of technology and encourage the widest participation of private groups in the
12 generation and utilization of science and technology. With the latest technology, the
13 State recognizes the important role of instant messaging services and use of online
14 applications in the economic growth and development. The State also recognizes the
15 responsibility of service providers in contributing investments and services in
16 telecommunications and information technology. To this end, the State shall ensure
17 the facility of network security and interoperability of instant messaging technology for
18 the national benefit.

1 **SEC. 3. *Interoperability.*** – All instant messaging (IM) service providers
2 operating in the Philippines shall enable interoperability in their messaging applications
3 and allow exchanges of information with other messaging applications. For purposes
4 of this Act, *interoperability* refers to the ability of IM applications to seamlessly connect,
5 communicate and process data in a coordinated way, without effort from the end user.
6 *Interoperability* under this Act shall include the following basic functionalities:

- 7 (a) End-to-end text messaging between two (2) individual end users;
8 (b) Sharing of images, voice messages, videos and other attached files in end-
9 to-end communication between two individual end users;
10 (c) End-to-end text messaging within groups of individual end users;
11 (d) Sharing of images, voice messages, videos and other attached files in end-
12 to-end communication between a group chat and an individual end user;
13 (e) End-to-end voice calls between two (2) individual end users;
14 (f) End-to-end video calls between two (2) individual end users;
15 (g) End-to-end voice calls between a group chat and an individual end user; and
16 (h) End-to-end video calls between a group chat and an individual end user.

17 The enumerated functionalities shall progressively be integrated in the
18 messaging applications of IM service providers upon identification pursuant to Section
19 4 of this Act. Functionalities (a) and (b) shall be integrated within six (6) months upon
20 identification. Functionalities (c) and (d) shall be integrated within two (2) years upon
21 identification. Functionalities (e), (f), (g), and (h), shall be integrated within four (4) years
22 upon identification.

23 The IM service providers shall act as gatekeepers of their respective messaging
24 applications and ensure the integrity, security and privacy of data.

25 **SEC. 4. *Responsible Agencies.*** – The National Telecommunications
26 Commission (NTC), the Department of Information and Communications Technology

(DICT) and the National Privacy Commission (NPC) shall jointly implement the provisions of this Act and perform the following functions:

(a) Formulate the guidelines for the integration of interoperability function in the IM applications of IM service providers operating in the Philippines, including the measures to protect the integrity and privacy of data;

(b) Identify IM service providers operating in the country and direct them to integrate the interoperability basic functionalities;

(c) Provide technical support to IM service providers, if necessary; and

(d) Monitor the compliance of IM service providers with the provisions of this Act.

SEC. 5. *End-to-End Encryption.* – The interoperability of IM applications must respect the right of privacy, provide data quality, and uphold data protection by ensuring that communications remain encrypted from user to user and only the sender and recipient have access to the messages.

SEC. 6. *Duty of IM Service Providers.* – All identified IM service providers shall perform the following duties:

(a) Integrate all the functionalities of interoperability or cross-platform IM services pursuant to Section 3 of this Act; and

(b) Ensure the end-to-end encryption pursuant to Section 5 of this Act.

SEC. 7. *Penalties.* – A service provider who fails to perform the duties under Section 7 of this Act shall be punished by the following penalties:

(a) First offense: Suspension of business operation for a period of six (6) months and a fine of One million pesos (P1,000,000.00);

(b) Second offense: Suspension of business operation for a period of one (1) year and a fine of Three million pesos (P3,000,000.00); and

(c) Third offense: Cancellation or termination of business operation and a fine of Five million pesos (P5,000,00.00).

1 **SEC. 8. *Implementing Rules and Regulations.*** – Within ninety (90) days from
2 the effectivity of this Act, the Commissioner of the NTC, the Secretary of Information
3 and Communications Technology, and the Chairperson of the NPC, in coordination with
4 relevant industry stakeholders, shall promulgate the necessary rules and regulations
5 for the effective implementation of this Act.

6 **SEC. 10. *Repealing Clause.*** – All laws, executive orders, issuances, rules and
7 regulations, or parts hereof inconsistent with the provisions of this Act are repealed or
8 modified accordingly.

9 **SEC. 11. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
10 publication in the *Official Gazette* or in a newspaper of general circulation.

11 Approved,
12