



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Twentieth Congress
First Regular Session

House Bill No. 22



Introduced by Representative NIKO RAUL S.J. DAZA

EXPLANATORY NOTE

To say that access to the internet plays a crucial role in driving innovation, promoting social development, and supporting economic growth now borders on the cliché. The stability and availability of internet services are undeniably essential for enhancing both government operations and private sector efficiency, contributing significantly to the effective delivery of services. This was most evident during the COVID-19 pandemic, when the nation became heavily reliant on internet connectivity for daily activities. Even in 2022, many sectors, particularly education and the workforce, continue to rely on work-from-home arrangements, underscoring the need for reliable and uninterrupted internet access.

Despite this, several obstacles continue to hinder the average Filipino's access to affordable and dependable internet services. Chief among these challenges is the limited number of internet service providers in the country, resulting in demand surpassing supply. Consequently, internet subscription plans remain costly and often offer subpar speeds. Although certain policy and institutional measures have already been implemented to address these issues, there remains a pressing need to further enhance such efforts to ensure that all Filipinos—especially those in unserved and underserved areas—can access affordable internet services.

At present, however, the government imposes substantial spectrum user fees (SUF) on telecommunications companies utilizing Wi-Fi technologies, despite the principle that SUFs should only apply to operators using exclusively licensed frequencies granted by the government. This regulatory approach hampers telcos from offering more competitive rates or reducing the cost of internet subscriptions. While the National Telecommunications Commission (NTC) has attempted to address the matter through the issuance of Memorandum Circular No. 002-09-2021 on September 22, 2021—which lowered SUFs for certain radio frequency bands—current market realities suggest that the complete removal of SUFs for Wi-Fi is necessary to further liberalize internet access in the country.

The proposed measure seeks to align Philippine regulatory policy with international best practices, particularly those recommended by the International Telecommunication Union (ITU) of the United Nations, which advocates for a zero SUF policy on Wi-Fi. Notably, countries such as the United States, Australia, Singapore, South Korea, and Indonesia have already adopted this approach. Enacting this measure into law would thus position the Philippines alongside global leaders in fostering equitable and expansive internet connectivity.

NIKO RAUL S.J. DAZA
Representative, 1st District of Northern Samar

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

- 36
- 37 a) Internet refers to the biggest worldwide global computer network providing a wide
- 38 variety of information and communication facilities, consisting of interconnected
- 39 networks using standardized communication protocols;
- 40 b) Internet service provider or ISP refers to an entity with or without a franchise, registered
- 41 as a value-added service provider with the National Telecommunications Commission
- 42 (NTC) and authorized to build, install, operate and maintain a network in order to offer
- 43 internet access services to the public for a fee;
- 44 c) Open and unprotected frequency refers to the frequencies at 2.4-2.4835 GHz, 5.150-
- 45 5.350 GHz, and 5.470-5.850 GHz. of the radio spectrum. Any frequency outside of
- 46 these frequencies is a licensed frequency especially if it is included in the frequencies
- 47 listed in the Department of Information and Communications Technology (DICT)
- 48 policies and NTC Memorandum Circulars and issuances which are part of the National
- 49 Radio Frequency Allocation Table (NRFAT);
- 50 d) Public telecommunications entity or PTE refers to any person, firm, partnership or
- 51 corporation, government or private, engaged in the provision of telecommunications
- 52 services to the public for a fee;
- 53 e) Radio frequency spectrum refers to the part of the electromagnetic spectrum with
- 54 frequencies from 30Hz to 300GHz, used for communications which includes
- 55 frequencies for wireless telecommunications technologies such as radio, television, and
- 56 radar;
- 57 f) Spectrum user fee (SUF) refers to the fee imposed by the government regulator in the
- 58 use of a particular frequency; and
- 59 g) Wi-Fi or Wireless fidelity refers to a type of wireless local access network technology
- 60 that is based on the Institute of Electrical and Electronics Engineers' (IEEE) wireless
- 61 communication standard 802.11 family and uses the 2.4 GHz and 5 GHz frequency
- 62 band.³
- 63

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

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

66 unprotected after due notice and hearing. This Act shall in no way amend or repeal Republic Act No.

67 10929, otherwise known as “The Free Internet Access in Public Places Act”.

68

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

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

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

72 with any licensed radio stations in the course of their operations, thereby effectively establishing a zero

73 SUF.

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

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

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

78 implementation of the provisions of this Act.

79

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

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

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

83 be necessary to attain the objectives of this Act.

84

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

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

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

88 be designated by the Senate President and the Speaker of the House of Representatives, respectively:
89 *Provided*, That at least one (1) member from each House shall be nominated by their respective Minority
90 Leaders. The secretariat of the JCOC shall be the existing secretariat personnel of the concerned
91 Committees of both Houses of Congress.

92 **SEC. 9. *Suppletory Application.*** – The provisions of Republic Act No. 10844 also known as
93 the “Department of Information and Communications Technology Act of 2015” and other laws
94 consistent with this Act shall have suppletory application.
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96 **SEC. 10. *Separability Clause.*** – If any provision of this Act is declared unconstitutional or
97 invalid, other parts or provisions hereof not affected thereby shall continue to be in full force and effect.
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99 **SEC. 11. *Repealing Clause.*** – All laws, presidential decrees, executive orders, presidential
100 proclamations, rules and regulations or parts thereof contrary to or inconsistent with this Act are hereby
101 repealed, superseded or modified accordingly.
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103 **SEC. 12. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in the
104 Official Gazette or in a newspaper of general circulation.

Approved,