



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



TWENTIETH CONGRESS
First Regular Session

House Bill No. **1368**

INTRODUCED BY REP. JOSE "BONG" J. TEVES, JR.

AN ACT
PROVIDING FOR CHEAPER AND MORE ACCESSIBLE INTERNET FOR ALL

EXPLANATORY NOTE

Five years in to the COVID-19 pandemic, many Filipinos still heavily rely on internet connectivity for work and or education through the work-from-home or online learning setup. With the rising COVID-19 positivity rate again, a large number of universities and schools will continue to adopt the online learning setup for the academic year 2022-2023.

Unfortunately, internet access seems to be still restrictive for an ordinary Filipino household due to its limited coverage and expensive plans. Some cannot simply afford to purchase and rely on the relatively expensive prepaid internet packages available. According to former Department of Information and Communications Technology Undersecretary Rio, only 20% of the total households in the country are connected to the internet compared to Malaysia's 90% and Singapore's 100% connectivity.

Telecommunications companies (telcos) are not entirely to be blamed for the drawback. The government regulation is partly to be responsible due to the charging of expensive spectrum user's fee SUF using only wi-fi connection; when in fact, the government should only

be charging SUF to telcos using exclusively licensed frequency or spectrum granted by the government.

Through the passage of this bill, we can expect that our country's 20% connectivity rate will increase because it will lower the cost of telecommunication services for the public.

During the 18th Congress and the 19th Congress, this representation also filed the same bill through House Bill No. 8168 substituted by House Bill 9851 which was approved by the House of Representatives on third and final reading and was transmitted to the Senate. However, the Senate failed to act on the said piece of legislation which resulted to the refiling of this bill.

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

A handwritten signature in black ink, consisting of a large, stylized 'J' and 'T' followed by 'E', 'V', 'E', 'S', and 'J', all enclosed within a circular loop.

HON. JOSE "BONG" J. TEVES, JR.
Representative, TGP Party-List



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

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

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

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

SEC. 3. Objectives. – This Act aims to:

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

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

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

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

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

a) Internet refers to the biggest worldwide global computer network providing a wide variety of information and communication facilities, consisting of interconnected networks 14 using standardized communication protocols;

b) Open and unprotected frequency refers to frequencies at 2.4-2.4835 GHz, 5.150-5.350 GHz, and 5.470-5.850 GHz of the radio spectrum. Any frequency outside of the aforementioned is licensed especially if it is included in the list of frequencies in the NTC Memorandum Circulars and issuances which are part of the National Radio Frequency Allocation Table;

c) Public telecommunications entity or PTE refers to any person, firm, partnership or corporation, government or private, engaged in the provision of telecommunications services to the public for a fee;

d) Radio frequency spectrum refers to the part of the electromagnetic spectrum with frequencies from 30Hz to 300GHz, used for communications which includes frequencies for wireless telecommunications technologies such as radio, television, and radar;

e) Spectrum user fee (SUF) refers to the fee imposed by the government regulator in the use of a particular frequency; and

f) Wi-Fi or Wireless fidelity refers to a type of wireless local access network technology that is based on the Institute of Electrical and Electronics Engineers' (IEEE) wireless communication standard 802.11 family and uses the 2.4 GHz and 5 GHz frequency band.

SEC. 5. Coverage. – This Act shall cover Wi-Fi frequencies at 2.4-2.4835 GHz, 5.150-5.350 2 GHz, and 5.470-5.850 GHz, and any other frequency band that the NTC may deem open and unprotected after due notice and hearing. This Act shall in no way amend or repeal Republic Act 4 No. 10929, otherwise known as “The Free Internet Access in Public Places Act”.

Notwithstanding the foregoing, the NTC is hereby authorized to add in the list of the frequencies enumerated under this Act, should there be in the future, pursuant to internationally agreed standards, changes in technologies, and as public safety and security may require any new frequency that may fall or be included into the definition of open and unprotected spectrum.

SEC. 6. Establishing a Zero Spectrum User Fee. – The State through the DICT and the NTC shall not impose a levy, charge, or collect fees from PTEs and other users for their use of frequencies as specified in this Act: Provided, That PTEs shall not interfere with each other's Wi-Fi airwaves or with any licensed radio stations in the course of their operations, thereby effectively establishing a zero SUF. The zero SUF shall be without prejudice to the authority of the State, through the NTC, to collect fees for registration and authorization

permits and licenses provided that such fees do not substantially deviate from traditional fees and charges that it becomes onerous to PTEs.

SEC. 7. Devices and Equipment. – Devices and equipment used to access the frequencies enumerated under this Act shall continue to strictly adhere to the existing NTC technical conditions and regulatory standards.

SEC. 8. Implementing Rules and Regulations (IRR). – Within sixty (60) days from the effectivity of this Act, the DICT as the lead agency, together with the NTC and representatives from the telecommunications sector shall promulgate the necessary rules and regulations for the effective implementation of the provisions of this Act.

SEC. 9. Joint Congressional Oversight Committee (JCOC). – There is hereby created a Joint Congressional Oversight Committee to monitor the effective implementation of this Act, recommend the necessary remedial or administrative measures and perform such other duties and functions as may be necessary to attain the objectives of this Act.

The oversight committee shall be composed of eight (8) members, with the Chairpersons of the Senate Committee on Public Services and the House of Representatives' Committee on Information and Communications Technology as Co-Chairpersons. The three (3) members from each House, shall be designated by the Senate President and the Speaker of the House of Representatives, respectively: *Provided*, that at least one (1) member from each House shall be nominated by their respective Minority Leaders. The secretariat of the JCOC shall be the existing secretariat personnel of the concerned Committees of both Houses of Congress.

SEC. 10. Suppletory Application. – The provisions of Republic Act No. 10844 also known as the "Department of Information and Communications Technology Act of 2015" and other laws consistent with this Act shall have suppletory application.

SEC. 11. Separability Clause. – If any provision of this Act is declared unconstitutional or invalid, other parts or provisions hereof not affected thereby shall continue to be in full force and effect.

SEC. 12. Repealing Clause. – All laws, presidential decrees, executive orders, presidential proclamations, rules and regulations or parts thereof contrary to or inconsistent with this Act are hereby repealed, superseded or modified accordingly.

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

Approved,