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[REPUBLIC ACT NO. 12234]

AN ACT ESTABLISHING A COMPREHENSIVE AND INCLUSIVE DATA TRANSMISSION AND CONNECTIVITY FRAMEWORK FOR THE PHILIPPINES

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

CHAPTER I

GENERAL PROVISIONS

SECTION 1. *Short Title.* – This Act shall be known as the "Konektadong Pinoy Act".

SEC. 2. *Declaration of Policy.* – The State recognizes the role of digital inclusivity in nation-building and the necessity of narrowing the digital divide in the country through the

development of data transmission infrastructure and removal of barriers to competition in data transmission services.

The State hereby adopts a policy to promote, develop, and sustain new communication technologies and the best quality of data transmission services at an affordable cost and at standards consistent with the needs and aspirations of the nation. The State, taking into account national security concerns, shall protect public interest by implementing measures to ensure reliable and affordable universal internet access, especially in critical areas such as e-governance and basic service delivery, education, health, trade, finance, disaster preparedness, and public safety.

The State shall pursue an open-access policy providing an accessible and competitive environment to all qualified participants in all segments of the data transmission network, and encouraging investments in the digital infrastructure for the development of reliable and affordable data transmission networks, comparable to the best in the world. The State shall promote data transmission infrastructure sharing and co-location to eliminate the uneconomic duplication of these facilities in the data transmission sector.

The State shall ensure efficient and transparent management of the radio frequency spectrum to optimize its utilization and prevent monopolistic control, thereby fostering fair competition and equitable access to data transmission services for all Filipino citizens.

SEC. 3. *Definition of Terms.* – As used in this Act:

(a) *Access* refers to making facilities and/or services available to another entity to provide data transmission services. This includes, among others, access to: network elements and associated facilities involving the connection of equipment by fixed or non-fixed means or the physical and logical linking of networks; passive infrastructure including buildings, ducts, and masts, and active infrastructure including software and operational support systems; data transmission networks; and access to virtual network services;

(b) *Access list* refers to the list of digital infrastructure and services to be determined jointly by the Department of Information and Communications Technology (DICT), the National Telecommunications Commission (NTC), and the Philippine Competition Commission (PCC) where access to such infrastructure and services by another entity is necessary to offer data transmission services competitively. The inclusion of digital infrastructure and services in the list shall promote competition, entry and expansion of new players, and encourage the efficient use of and investment in digital infrastructure;

(c) *Access provider* refers to an entity that owns, leases, or operates digital infrastructure and services contained in the access list;

(d) *Access seeker* refers to a data transmission industry participant requesting access to digital infrastructure and services contained in the access list from an access provider;

(e) *Active infrastructure* refers to the active elements of wireless networks that may be used to support data transmission such as antennas, antenna systems, transmitters/receivers, transmission systems, radio frequency modules, channel elements, and other radio-communications systems and electronic infrastructure and facilities, either existing or to be deployed in the future;

(f) *Basic telephone service* refers to the local exchange telephone service for residence and business establishments provided via the circuit-switched telephone network;

(g) *Core or backbone network* refers to the main line, including international connection that ties networks, delivers routes to exchange information among various subnetworks, connects regional distribution networks, and, in some instances, provides connectivity to other peer networks;

(h) *Data transmission* refers to the process of sending and receiving digital or digitized analog signals over a communication medium to one (1) or more computing networks, communication or electronic devices. It enables the transfer and communication of devices in point-to-point,

point-to-multipoint, and multipoint-to-multipoint environments. It includes the provision of Voice over Internet Protocol (VoIP) services but does not include the provision of basic telephone services;

(i) *Data transmission industry participant (DTIP)* refers to any entity engaged in the provision of data transmission services as a form of economic activity. Public telecommunications entities (PTEs) and value-added services (VAS) providers, as defined under Republic Act No. 7925 or the "Public Telecommunications Policy Act of the Philippines", and Satellite Systems Providers or Operators (SSPOs) are considered DTIPs to the extent of their businesses engaged in data transmission services, excluding foreign government-controlled entities or state-owned enterprises, except independent pension funds, sovereign wealth funds, and multinational banks;

(j) *Dig Once Policy* refers to policies, rules, and guidelines that promote coordinated efforts among DTIPs, concerned government entities, and other relevant entities to ensure that DTIPs can easily place and install cables without repeated excavation in buried conduits, which follow engineering standards, thereby substantially minimizing deployment and operations costs;

(k) *Digital infrastructure* refers to both passive and active infrastructure except broadcast and basic telephone service;

(l) *Entity* refers to a natural or juridical person, sole proprietorship, partnership, combination or association in any form, whether incorporated or not, domestic or foreign, including those owned or controlled by the government;

(m) *International gateway facility* refers to the segment of data transmission that consists of any facility, including submarine cables, that provides an interface to send and receive data traffic between one country's domestic network facilities and those in another country;

(n) *Last mile* refers to the segment of the data transmission network that connects end-users, including indoor/in-building networks;

(o) *Middle mile* refers to the segment of the data transmission network that links the last mile to the core or backbone network;

(p) *Open access* refers to the system of allowing the use of data transmission networks and associated facilities in a transparent manner, subject to fair, reasonable, and non-discriminatory terms;

(q) *Passive infrastructure* refers to all types of non-digital and non-electronic telecommunications infrastructure or civil works, including but not limited to, telecommunications towers, poles, dark fiber cables, cable entrances, ducts, utility corridors, and any other similar infrastructure and facilities, either existing or to be deployed in the future, that may be used to support data transmission;

(r) *Radio frequency spectrum* or *Spectrum* refers to the continuous range of electromagnetic wave frequencies up to 3,000 gigahertz;

(s) *Satellite* refers to "communications satellites" or earth-orbiting systems capable of receiving and relaying signals to and from the ground to provide links for use in a variety of Information and Communications Technology (ICT) services, such as telephony, radio, television, or broadband internet. For purposes of this Act, satellites used exclusively for space/earth exploration are not included;

(t) *Satellite-based technologies* refer to technologies for the administration, deployment, or use of communications satellites;

(u) *Satellite Systems Provider or Operator (SSPO)* refers to providers or operators of satellite systems, whether fixed or mobile, international or domestic, that are duly authorized to provide satellite communications services under the laws of their respective countries of domicile;

(v) *Spectrum allocation* refers to an entry in the National Radio Frequency Allocation Table (NRFAT) of a given frequency band for its use by one (1) or more telecommunications or data transmission service;

(w) *Spectrum assignment* refers to the authorization given by the NTC for an entity to use specific frequencies or channels under specified conditions. It includes spectrum reassignment and joint use or co-use;

(x) *Spectrum recall* refers to the process by which the State, through the NTC, reclaims spectrum assignment previously granted to an entity;

(y) *Underserved areas* refer to areas that have unreliable and inadequate ICT services, as may be defined by the DICT;

(z) *Underutilized spectrum* refers to a spectrum assigned to an entity that is not being utilized efficiently, pursuant to the Spectrum Management Policy Framework (SMPF) under Section 10 of this Act, and standards and parameters determined by the NTC;

(aa) *Unserved areas* refer to areas that do not have DTIPs and ICT services, as may be defined by the DICT;

(bb) *Unutilized spectrum* refers to a spectrum assigned to an entity that is not being utilized, or is solely being utilized for purposes not authorized by the SMPF under Section 10 of this Act, and standards and parameters determined by the NTC; and

(cc) *Voice over Internet Protocol (VoIP)* refers to the provision of voice communication using Internet Protocol (IP) technology.

SEC. 4. *Scope.* – This Act shall apply to all DTIPs including, but not limited to, VoIP service providers, internet service providers (ISPs), and SSPOs. DTIPs that are principally engaged in the provision of basic telephone services, such as international carriers, interexchange carriers, local exchange operators, and mobile radio services providers, as defined in Republic Act No. 7925, and which also provide data transmission services, shall likewise be subject to the provisions of this Act with respect to their data transmission services and the linkage of their networks extended to DTIPs.

Access providers shall likewise comply with the relevant provisions herein and the policies, rules, and regulations issued under this Act.

SEC. 5. *Segments of the Data Transmission Network.* – The data transmission network shall be divided into segments, which include: (a) international gateway facilities; (b) core or backbone network; (c) middle mile; (d) last mile; and (e) any other segment as may be defined by the DICT.

CHAPTER II

REGULATION OF THE DATA TRANSMISSION INDUSTRY

Sec. 6. *Department of Information and Communications Technology.* – The DICT shall be the primary policy, planning, coordinating, implementing, and administrative entity of the government that will plan, develop, and promote the national ICT agenda with its mandate under Republic Act No. 10844 or the "Department of Information and Communications Technology Act of 2015", and in accordance with international agreements and conventions to which the Philippines is a party. In line with this mandate, the DICT shall be the highest policy-making body on data transmission and connectivity matters and shall have the following powers and functions:

(a) Formulate plans and policies to implement an open-access approach for the promotion of investment and healthy competition in, and the regulation of the data transmission sector;

(b) Ensure the adoption of technology-neutral policies that allow DTIPs to use any available technology to provide services;

(c) Assist the PCC in promulgating policies governing DTIPs and/or access providers with significant market power;

(d) Formulate policies to govern the determination of eligibility criteria for the registration of DTIPs by the NTC;

(e) Pursue policies, in coordination with the NTC, to secure necessary orbital slots for Philippine satellites;

(f) Pursue plans, programs, activities, or initiatives to incentivize DTIPs to invest in, adopt, roll out, implement, establish, own, maintain, operate, or utilize new and next-generation technologies, giving priority to unserved or underserved areas. The departmental plans, programs, activities, or initiatives shall include, but not be limited to, effectively coordinating with the Board of Investments (BOI), Philippine Economic Zone Authority (PEZA), Fiscal Incentives Review Board (FIRB), local government units (LGUs), and other government agencies or instrumentalities, for the issuance and implementation of policies for the grant of applicable incentives and benefits;

(g) Develop an SMPF, in coordination with the NTC and the PCC and in consultation with relevant stakeholders, within one (1) year from the effectivity of the implementing rules and regulations (IRR) of this Act, and regularly update the same every four (4) years or as necessary;

(h) Define and identify areas that are underserved and unserved by any existing DTIP, and update the same as necessary: *Provided,* That areas near educational institutions shall be prioritized;

(i) Recommend performance standards for DTIPs to NTC;

(j) Formulate policies to safeguard local data, when necessary to advance national security and public interest, with primacy given to cross-border data flows as a key enabler of the global economy; and

(k) Promulgate such other policies or guidelines necessary to achieve the objectives of this Act.

The DICT may consult or coordinate with relevant government departments, agencies, bureaus, or instrumentalities, and LGUs in the formulation of its policies and guidelines.

All non-internal policies and guidelines issued by the DICT shall be subject to prior public consultations or hearings.

SEC. 7. *National Telecommunications Commission.* – The NTC, an attached agency of the DICT, shall be the principal regulatory and adjudicatory body over the data transmission sector and shall take necessary measures to implement the policies and objectives in this Act, and as set forth by the DICT. In addition to its existing functions, the NTC shall be responsible for the following:

(a) Ensure that the data transmission sector remains open and accessible to all qualified participants;

(b) Formulate eligibility criteria for the registration of DTIPs within one (1) month from the effectivity of the IRR of this Act;

(c) Formulate and implement an efficient and speedy process in the qualification and registration of DTIPs in line with relevant laws, policies, rules and regulations, and government issuances;

(d) Issue rules and regulations, in consultation with the DICT, on the development, use, and maintenance of satellite-based technology;

(e) In consultation with the PCC, issue rules and regulations that promote fair and open competition in accordance with the principles and policies under Republic Act No. 10667 or the "Philippine Competition Act" and its IRR, including guidelines and rules on DTIPs and/or access providers with significant market power in all segments of the data transmission network, allowing a wide variety of physical networks and applications to interact seamlessly;

(f) Mandate transparency in pricing and the regular publication of updated pricing information to ensure fair trading within and between each data transmission segment to allow clear, comparative information on market prices and services;

(g) Mandate access providers to provide access to digital infrastructure and services contained in the access list;

(h) Subject to relevant issuances of the DICT, publish and update at least once a year the list of registered DTIPs on its

official website and a publicly accessible site or location and provide this information to the DICT for concurrent publication;

(i) Implement the SMPF developed by the DICT;

(j) Periodically review spectrum allocation, use, and assignment every four (4) years, pursuant to the policies and guiding principles contained in the SMPF, and undertake measures such as, but not limited to, spectrum recall and restacking to ensure the most efficient and optimal use of spectrum in accordance with the SMPF;

(k) In coordination with the PCC, ensure that spectrum assignment and spectrum recall do not result in the concentration of spectrum resources which may harm competition;

(l) Determine and set performance standards for DTIPs within six (6) months from the effectivity of the IRR of this Act, and periodically update such standards as necessary;

(m) Monitor, evaluate, and investigate the compliance of DTIPs with the performance standards;

(n) Charge reasonable fees to defray its administrative costs on services rendered;

(o) Collect the necessary Supervision and Regulation Fee (SRF), Spectrum User Fee (SUF), and other relevant fees as provided by law;

(p) Impose the applicable administrative penalties for violations of this Act; and

(q) Perform such other functions as may be necessary to achieve the objectives of this Act.

SEC. 8. *Registration.* – All segments of the data transmission network shall be competitive and open and all DTIPs shall be allowed to put up their own networks. Notwithstanding the provisions of this Act or any other law, the following procedure for registration and certification shall apply to the data transmission industry:

(a) All DTIPs shall be required to register with the NTC. The NTC shall promulgate a speedy and expeditious administrative process for registration and apply its eligibility criteria in line with the policies of the DICT. DTIPs must meet the NTC criteria in registering as industry participants in order to construct, operate, lease, or own networks or facilities, including radio transmitting and/or receiving stations for the provision of data transmission services: *Provided,* That all DTIPs intending to use spectrum resources shall secure authorization from the NTC and be assigned or allowed access to such spectrum in accordance with the provisions of this Act and other pertinent laws.

Foreign entities who wish to enter the data transmission industry shall be subject to the provisions of Republic Act No. 7042 or the "Foreign Investments Act of 1991", as amended by Republic Act No. 11647, Commonwealth Act No. 146 or the "Public Service Act", as amended by Republic Act No. 11659, and other pertinent laws and issuances; and

(b) Those seeking to operate an international gateway facility or a core or backbone network shall secure authorization from the NTC, which shall consider the proposed route or rollout plan, as well as the manner of construction, in the grant thereof.

SEC. 9. *Cybersecurity Certification.* – All DTIPs shall adopt and comply with national and global best practices and standards on cybersecurity and be subject to a cybersecurity performance audit by the Cybersecurity Bureau of the DICT. Within two (2) years from registration, DTIPs shall secure a cybersecurity certification from a third-party organization based on the prevailing International Organization for Standardization (ISO) standards on information security management or such other minimum security standards identified by the DICT.

SEC. 10. *Spectrum Management Policy Framework.* – An SMPF shall be formulated to ensure that the spectrum is managed in a manner that ensures fair competition, supports adaptability to technological advancements, and maximizes the efficient use of this resource among all registered DTIPs, in accordance with international conventions, standards, and

developments, and other pertinent laws. The SMPF shall contain the national policies and guiding principles to govern the management of spectrum, including, among others, spectrum valuation and pricing, spectrum allocation, and spectrum assignment for public, private, and government use.

Within three (3) months from the effectivity of the IRR of this Act, the NTC shall initiate and complete a review of the existing spectrum allocations and assignments, in coordination with the DICT. Upon completion of the review, the NTC shall provide the DICT with recommendations to enhance the efficiency and optimization of spectrum management, which shall serve as a basis for the development of the SMPF. The SMPF shall be promulgated by the DICT, in coordination with the NTC and the PCC, within one (1) year from the effectivity of the IRR of this Act, and shall be reviewed annually and updated every four (4) years or as necessary.

The SMPF shall include, as a minimum, policies on the following:

(a) Methodologies for spectrum valuation and pricing;

(b) Procedures for spectrum assignment, ensuring the efficient and optimal use of this finite resource, including defined validity periods and corresponding obligations for spectrum grantees;

(c) Processes for joint use or co-use application designed to promote collaborative and equitable access to spectrum resources, requiring detailed submissions to be made transparent, including the nature of joint use or co-use, parties involved, and the rationale for application;

(d) Rules and procedures for spectrum recall, ensuring systematic reevaluation and reassignment where necessary, after consultations with affected licensees and stakeholders. The SMPF shall be designed to facilitate the transition, reallocation, and reassignment of spectrum bands and licenses, aligning with evolving sector needs and efficient spectrum use;

(e) The determination of unutilized or underutilized spectrum and the procedures for spectrum recall: *Provided,* That all spectrum determined to be unutilized or underutilized

shall be subject to such spectrum recall procedures by the NTC within one (1) year from the effectivity of the SMPF;

(f) A mandate for the NTC to publish on its website, decisions related to spectrum assignments, joint use and co-use applications, and spectrum recalls, to allow public access and to maintain an archive for future reference;

(g) A mandate for the NTC to act promptly on applications of DTIPs for permits to import equipment. Any application for a permit to import equipment not acted on by the NTC within seven (7) days shall be deemed approved;

(h) Reserved frequencies for government use such as those for emergency and national security purposes;

(i) The authority for the NTC to *motu proprio* or upon complaint/petition by any interested party, recall the spectrum assignment of a DTIP if it finds, after due process, that such DTIP has unutilized or underutilized spectrum pursuant to the provisions of this Act and other pertinent issuances, or that the DTIP has not complied with its obligations in relation to the spectrum assignment. The NTC shall, where required and appropriate, work with the DTIP concerned to minimize the impact of such recall on active users of services utilizing the recalled spectrum. The foregoing notwithstanding, no frequency shall be recalled within eighteen (18) months from the award of a provisional authority (PA), license, or registration; and

(j) A requirement that entities requesting for assignment or joint use of spectrum notify the PCC, and that the NTC submit, within a period of five (5) calendar days any and all documents required by the PCC to undertake a competitive analysis. The PCC may intervene in the assignment process. It shall publish the results of its analysis and furnish a copy thereof to the NTC.

Paragraphs (b), (c), (d), (e), and (j) herein shall not apply to applications for frequency assignments for fixed point-to-point radio links and Wi-Fi subject to guidelines to be issued by the DICT.

The NTC shall promulgate rules and regulations within three (3) months from the effectivity of the SMPF in order to effectively implement the same.

SEC. 11. *Arms-Length Transactions and Transparency.* – The NTC shall publish a registry of all DTIPs on its website within three (3) months from the effectivity of the IRR of this Act, and regularly update the same at least once a year.

All aspects of spectrum use information, including the NRFAT, shall be regularly reviewed, updated, published, and made available in print and online formats by the NTC. This information shall also include the purpose or use for which each frequency band is allocated, and the persons and/or entities to whom each particular frequency band allocated for public use is assigned. The NRFAT and updated radio frequency spectrum use information shall be made available on the NTC's website and to any entity upon written request.

The initial publication of such spectrum use information shall be made within three (3) months from the effectivity of the IRR of this Act, and once every two (2) years thereafter or more frequently as necessary when (a) national security so requires; (b) the government deems it necessary and essential to the interest of the country; and (c) the Philippines has a regional and/or international commitment as a member signatory to bilateral or multilateral agreements.

All DTIPs shall file an annual report with the NTC and include therein a fair and accurate statement regarding their market prices and services. The annual report shall include technical and financial reports of the entity which shall contain, among others, investments made, network rollout reach, and all costs and charges relevant to the data transmission network segment where the participants operate.

Each DTIP at each segment shall submit a copy of its rates to the NTC and the PCC at least once a year. The rates, including a historical record, shall be published in a consolidated manner. The DTIPs shall keep a publicly accessible archive of their rates.

SEC. 12. *Access.* – Access providers shall grant access to digital infrastructure and services contained in the access list in an open, fair, reasonable, and non-discriminatory basis, subject to the technical feasibility of the access seeker's request: *Provided,* That there shall be public consultation with

access providers prior to the inclusion of their digital infrastructure and services in the access list.

As used in this Act, non-discriminatory basis means access providers shall grant access on equal terms and conditions in similar circumstances, and provide information to third parties under the same conditions as it provides to itself or its subsidiaries.

The access list shall be issued by the DICT, the NTC, and the PCC within three (3) months from the effectivity of the IRR of this Act, and shall be reviewed and updated as necessary.

SEC. 13. *Reference Access Offer.* – Access providers shall publish a Reference Access Offer (RAO) that contains the relevant information, terms, conditions, and rates for the provision of access to digital infrastructure and services contained in the access list. The RAO of an access provider designated to have significant market power by the PCC, in consultation with the NTC, shall be submitted to and approved by the NTC prior to publication. For other access providers, the NTC shall be furnished a copy of the RAO prior to its publication.

The RAO shall be comprehensive, complete, modular, and detailed to allow access seekers to consider the offer without need for negotiations or requests for additional information.

Disputes concerning access to digital infrastructure and services contained in the access list may be appealed to the NTC for adjudication. The NTC shall decide on such disputes within sixty (60) calendar days from receipt of the petition.

Access providers shall publish their RAO within sixty (60) days from the effectivity of the IRR of this Act.

SEC. 14. *Direct Access to Satellite Systems.* – Duly registered DTIPs may deploy satellite technology and use associated spectrums in any or all segments of their broadband network without the need for a lease or rent capacity from PTEs.

Prior authorization from either the DICT, for broadband networks, or the NTC, for broadcast providers and for services that do not involve broadband networks, shall not be required

for direct access to satellite systems under this provision: *Provided,* That the terms and conditions, which include levels of access to any international fixed or mobile satellite system, shall be submitted by the DTIPs to the DICT or NTC, as applicable, for record purposes.

SEC. 15. *Performance Standards and Monitoring for the Data Transmission Industry.* – Within six (6) months from the effectivity of the IRR of this Act, the NTC shall publish performance standards for all DTIPs, taking into account quality of service parameters such as speed, packet loss, jitter, and latency, among others. These performance standards shall be regularly updated to ensure that they shall, at a minimum, be at par with service levels established in regional data transmission network performance indices and aligned with international best practices. The performance standards shall be reviewed at least once a year and updated as necessary. New performance standards shall take effect at least thirty (30) days after publication.

Based on these standards, the NTC shall, on a quarterly basis, monitor and measure the performance of the DTIPs and publish the results thereof on the NTC website. The NTC may engage the services of an independent third-party monitoring firm to monitor the performance of DTIPs.

The DTIPs shall comply with the performance standards set by the NTC, within six (6) months from its initial publication.

The NTC may, *motu proprio* or upon petition by any interested party, and after due process, penalize any DTIP for failure to comply with the performance standards promulgated by the NTC and require rectification of such non-compliance.

SEC. 16. *Infrastructure Sharing and Co-location.* –

(1) The DICT shall, taking into account the digital infrastructure and services contained in the access list, promulgate policies to ensure that passive infrastructure, whether existing now or in the future, necessary for or capable of supporting data transmission networks or services are:

(a) Made available for co-location and co-use by the passive infrastructure owner, lessor, or operator (PIOLO) on an open,

fair, reasonable, and non-discriminatory basis subject to the technical feasibility of the request: *Provided*, That the provision of access to government-owned and -operated facilities and support infrastructure to access seekers for the purpose of offering data transmission services shall be mandatory, unless special circumstances, such as but not limited to, national security concerns, exist;

(b) Built not only in the city centers, but most especially in the remote, unserved, and underserved areas, to extend data transmission services by both the existing and new players throughout the country; and

(c) Proliferated in the most cost-efficient and timely manner through various means, including encouraging the operation of independent entities that build and operate towers, dark fiber, and utility corridors, among other passive infrastructure that help facilitate data transmission network deployment.

The DICT, in coordination with other relevant government agencies, shall issue policies to carry out paragraphs (a) to (c) upon consultation with stakeholders. For purposes of data transmission, the NTC shall, in case of a dispute arising from an infrastructure sharing agreement: (1) mediate between a DTIP and a PIOLO, and (2) serve as the primary enforcer of this provision.

(2) The DICT, the PCC, the Department of Public Works and Highways (DPWH), the Department of Transportation (DOTr), the Department of Human Settlements and Urban Development (DHSUD), and other relevant government agencies shall jointly promulgate policies, rules, and regulations to ensure that buildings, condominiums, villages, towns, and subdivisions are built with facilities, such as cable entrances, ducts, and risers, that allow non-discriminatory access to multiple DTIPs for them to provide service. They shall also promulgate policies, rules, and guidelines that will ensure a level playing field and price non-discrimination among DTIPs and network facility and infrastructure owners.

(3) The NTC, in coordination with relevant government agencies such as the Office of Civil Defense, shall ensure the disaster resiliency and ease of recovery and restoration of

passive infrastructure, such as towers, poles, and utility corridors, from the effects of disasters by strictly enforcing compliance with internationally accepted engineering standards and best practices, relevant engineering codes, and other codes of practice.

(4) The DICT and the NTC shall jointly maintain and update a centralized database of data transmission infrastructure, including passive infrastructure used to support data transmission. The database shall be updated annually and shall include the exact location, ownership, technical specifications, and other relevant information about the facility. Access to the information contained in the database may be requested from the DICT or the NTC, subject to guidelines to be issued by the DICT. DTIPs shall be required to submit a list of the information to be contained in the database, subject to the IRR or other guidelines or rules to be issued by the DICT or the NTC.

SEC. 17. *Dig Once Policy.* – The DICT and the DPWH, in collaboration with the NTC, the National Electrification Administration (NEA), the Department of the Interior and Local Government (DILG), the LGUs, private entities, and other relevant government agencies, shall jointly develop and issue a Dig Once Policy for the planning, relocation, installation, or improvement of conduits for data transmission services within the right-of-way, in conjunction with any current or planned construction, including, but not limited to, highways, bridges, and elevated and subterranean railways. To the extent necessary, the DPWH shall, in collaboration with the DICT, the NTC, the NEA, the DILG, the LGUs, private entities, and other relevant government agencies, evaluate pricing requirements, engineering and design standards, procedures, and criteria for contracts or lease agreements with private entities, and, provide for allocation of risk, costs, and any revenue generated.

Such policy shall ensure that passive infrastructure is, as far as possible, deployed together with roadworks, pipe-laying, and other infrastructure development by both government and private entities including, but not limited to, multi-dwelling infrastructure, tourist spots and buildings, and high-density areas.

In the absence of any planned excavation by the DPWH within the timeframe necessary for a timely rollout of infrastructure projects, the implementation of the Dig Once Policy shall in no way preclude any entity from independently undertaking the installation or improvement of a conduit for data transmission services: *Provided,* That such activities shall comply with relevant laws, regulations, and safety standards, and do not unduly interfere with ongoing projects or endanger public safety: *Provided, further,* That the party conducting independent excavation activities shall disseminate information about a proposed underground facility in a manner that is accessible to all parties who may be interested in installing a broadband conduit in the area of the proposed underground facility.

The DICT and the DPWH shall jointly develop model Dig Once policies for potential adoption by provincial and municipal governments with respect to construction or other improvements to highways, roads, and any other rights-of-way under the LGU's jurisdiction. They shall seek inputs from the Union of Local Authorities in the Philippines, the League of Municipalities of the Philippines, the League of Cities of the Philippines, the League of Provinces of the Philippines, and other stakeholders in developing these model policies.

SEC. 18. *Fair Competition.* – The PCC and the NTC shall ensure that the principles and policies under Republic Act No. 10667 are strictly adhered to in the data transmission industry. The PCC and the NTC shall ensure that all industry players observe fair, reasonable, and non-discriminatory treatment in all their dealings, and that barriers to entry are eliminated to make the industry highly competitive. To this end, within thirty (30) days from the effectivity of this Act, the PCC and the NTC shall enter into an agreement to foster and develop interagency cooperation mechanisms, including information-sharing tools, that will guide them in the performance of their respective mandates, the promotion of fair competition in the data transmission industry, and the effective performance of their obligations under this Act.

SEC. 19. *Technological Neutrality.* – The DICT and the NTC shall ensure that the provisions of this law apply, *mutatis mutandis*, to future technologies in data transmission.

CHAPTER III

PENAL PROVISIONS

SEC. 20. *Prohibited Acts.* –

(a) Refusal to Plug and Play. – No access provider shall refuse access to digital infrastructure in the access list, except in cases of failure to pay open market fees for the access to the service and exposure to security risks detrimental to its technical operations as confirmed by the DICT;

(b) Refusal to Give Information. – No access provider shall refuse or fail to make available to suppliers of data transmission services, on a timely basis, the technical information about its digital infrastructure and services in the access list and commercially relevant information that are necessary for the efficient provision of these infrastructure and services;

(c) False Information and Material Misrepresentation. – No DTIPs shall supply false or incorrect information or commit material misrepresentation in relation to its compliance with the provisions of this Act. This prohibition shall also cover false advertising by DTIPs as to the products and services offered, without prejudice to the provisions of Republic Act No. 7394 or the "Consumer Act of the Philippines"; and

(d) Anti-competitive Cross-subsidization. – The NTC shall require separate books of accounts between different data transmission segments to allow identification of costs and revenues for each segment. Any violation of this provision shall result in a presumption of anti-competitive cross-subsidization, which shall then be referred to the PCC for proper determination and action, in accordance with the provisions of Republic Act No. 10667. Nothing herein shall prevent interconnecting networks from charging the appropriate cost-based compensation for the use of interconnection facilities.

SEC. 21. *Administrative Penalties.* –

(1) The NTC shall require DTIPs providing data transmission services to comply with prescribed performance standards and impose penalties, after due notice and hearing, for failure to comply with such performance standards:

(a) Any DTIP who fails to comply with the minimum performance standards set by the NTC shall pay a fine of at least Five thousand pesos (P5,000.00) but not exceeding Two million pesos (P2,000,000.00) per day of such default or violation, until the participant fully complies: *Provided,* That if the DTIP has a gross annual income not exceeding Ten million pesos (P10,000,000.00), the imposable penalty shall be equivalent to one percent (1%) to two percent (2%) of its gross annual income; and

(b) An entity who fails to substantially comply with the NTC's performance standards for three (3) consecutive years shall, subject to due process, be removed from the registry of DTIPs and prohibited from rendering data transmission services;

(2) A DTIP who fails to secure a cybersecurity certification in accordance with Section 9 of this Act shall be issued a suspension order of its operations until the DTIP is able to secure the required cybersecurity certification: *Provided,* That if the DTIP fails to comply with the cybersecurity certification requirement within six (6) months from the issuance of such order, it shall, subject to due process, be removed from the registry of DTIPs and prohibited from rendering data transmission services;

(3) An entity who engages in the prohibited acts under Section 20 of this Act shall suffer a fine of at least Three hundred thousand pesos (P300,000.00) but not exceeding Five million pesos (P5,000,000.00): *Provided,* That if the DTIP has a gross annual income not exceeding Ten million pesos (P10,000,000.00), the imposable penalty shall be equivalent to one percent (1%) to two percent (2%) of its gross annual income. In cases of anti-competitive cross-subsidization, the imposable penalties shall be those provided under Republic Act No. 10667;

(4) A DTIP who commits at least three (3) violations of this Act shall forfeit all its certificates, licenses, authorizations, rights, and awards issued in relation to its participation in the data transmission industry; and

(5) A DTIP who commits any other violation of this Act that is not specifically prohibited under Section 20 shall be penalized with a fine of at least Fifty thousand pesos (P50,000.00) but not exceeding Two million pesos (P2,000,000.00).

SEC. 22. *Adjustment of Fines.* – The administrative fines imposed under this Act shall be adjusted by the NTC annually, considering the prevailing cost of money based on the current consumer price index, and subject to the publication of such adjustments.

SEC. 23. *Liability of Public Officers and Employees.* – Without prejudice to the provisions of Republic Act No. 3019 or the "Anti-Graft and Corrupt Practices Act", and other penal laws, a public officer or employee who, in bad faith or with gross negligence, fails to comply with the provisions of this Act, shall be penalized with imprisonment of not less than two (2) years but not more than four (4) years, a fine of at least One hundred thousand pesos (P100,000.00) but not exceeding Two million pesos (P2,000,000.00), or both, at the discretion of the court.

No liability shall lie against any public officer or employee for having committed acts in the regular performance of their duties in good faith.

SEC. 24. *Corporate Liability.* – The liability imposed on a juridical entity for any violation of this Act shall be without prejudice to the civil or criminal liability of its responsible officers or employees.

CHAPTER IV

RIGHTS OF DATA TRANSMISSION SERVICE USERS AND RESPONSIBILITIES OF DATA TRANSMISSION SERVICE PROVIDERS

SEC. 25. *Rights of Users.* – The user of data transmission services shall have the following basic rights:

(a) To be entitled to data transmission services which are non-discriminatory, reliable, and compliant with the minimum standards set by the NTC. In times of national emergencies or other disasters or calamities, the NTC shall ensure that DTIPs provide continuous and uninterrupted service to agencies and institutions providing aid, treatment, and assistance to affected persons;

(b) To be rendered data transmission services within thirty (30) calendar days from application therefor;

(c) For student users enrolled in any public or private educational institutions, to be provided appropriate discount as part of the DTIP's corporate social responsibility;

(d) To receive regular, timely, and accurate billing, and be accorded with courteous and efficient service at business offices and by company personnel;

(e) To be provided with timely correction of billing errors and immediate rebates or refunds by the data transmission service provider without the need for demand by the user; and

(f) To be accorded thorough and prompt investigation of, and action upon, complaints, the data transmission service provider shall endeavor to allow complaints to be received by any means convenient to the end user, including voice calls, post, short messaging service (SMS), multimedia messaging service (MMS), instant messaging applications, and other means of online communication, and keep a record of all complaints received and the action taken thereon.

Subject to the filing of a formal request to the data service provider, a user may request the immediate termination of service without the imposition of fees or

penalties, and with the refund of any fee or charge already paid, should a data service provider not consistently comply with paragraphs (a), (e) and (f) of this section or any other minimum performance standards set by the NTC.

CHAPTER V

MISCELLANEOUS PROVISIONS

SEC. 26. *Expedited Processing.* – In all instances where a DTIP requires a form, certificate, or request from any government agency or LGU, at least two (2) public officers shall be involved in processing such form, certificate, or request.

Processing fees and certifications required for the deployment of any segment of data transmission networks shall be limited to those identified by the DICT. The DICT shall coordinate with the concerned national government agencies and LGUs, and conduct the necessary consultations with civil society organizations and other stakeholder groups, for the formulation of policies and implementing rules to minimize the administrative burden of permitting and certification processes.

In processing permits for the construction, installation, repair, operation, and maintenance of data transmission infrastructure, Executive Order No. 32, series of 2023 shall apply.

SEC. 27. *Prohibition on the Issuance of Preliminary Injunctions and Preliminary Mandatory Injunctions.* – Except for the Court of Appeals and the Supreme Court, no other court shall issue a preliminary injunction or preliminary mandatory injunction against the NTC in the exercise of its duties or functions pursuant to this Act: *Provided,* That this prohibition shall apply in all cases, disputes, or controversies instituted by a private party, including, but not limited to, cases filed by entities or those claiming to have rights through such entities: *Provided, further,* That this prohibition shall not apply when the matter is of extreme urgency involving a constitutional issue, such that the non-issuance of an injunction will result in grave injustice and irreparable injury to the public: *Provided, furthermore,* That the applicant shall

file a bond, in an amount to be fixed by the court, but in no case exceeding twenty percent (20%) of the imposable fines provided under Section 20 of this Act: *Provided, finally,* That in case of a decision by the Court that the applicant was not entitled to the relief applied for, the bond shall accrue in favor of the NTC.

Any preliminary injunction or preliminary mandatory injunction issued in violation of this section shall be void and of no force and effect. Any judge who violates this section shall be penalized with suspension of at least one (1) year without pay in addition to other criminal, civil, or administrative penalties.

SEC. 28. *Accountability of Public Officers.* – Public officers, employees, and agents of government agencies tasked to implement the provisions of this Act shall not be subject to any civil action in connection with any act done or omitted by them in the regular performance of their duties, except for those actions and omissions done in evident bad faith or with gross negligence.

SEC. 29. *Indemnity.* – Public officers, employees, and agents of government agencies shall be indemnified for liabilities, losses, claims, demands, damages, deficiencies, costs, and expenses of whatever kind and nature that may arise in connection with the exercise of their powers and performance of their duties and functions in the implementation of the provisions of this Act, unless their actions are found to be in willful violation of this Act, or performed in bad faith or with gross negligence.

CHAPTER VI

FINAL PROVISIONS

SEC. 30. *Transitory Clause.* – Existing franchises, certificates, and authorizations affected by relevant provisions of this Act shall be treated as follows:

(a) Existing legislative franchises for the provision of telecommunication services shall remain valid and effective in accordance with their respective terms, insofar as they do not constitute the provision of data transmission services.

Obligations and privileges with respect to the provision of data transmission services shall be governed by the provisions of this Act, its IRR, and relevant issuances;

(b) PAs, CPCNs, or certificates of registration issued by the NTC with respect to the provision of data transmission services prior to the effectivity of this Act shall be deemed valid without the necessity of revalidation or reissuance. Until the expiration of such certificates, these shall be deemed compliant with the qualification requirements for DTIPs under Section 8 of this Act and other pertinent regulations issued pursuant thereto;

(c) Prior to the issuance of the IRR of this Act and relevant issuances on the process for the qualification and the registration of DTIPs, the authorization process for DTIPs shall be governed by the prevailing rules and guidelines of the NTC. Upon the effectivity of the IRR and other relevant issuances, the NTC rules and guidelines governing the authorization process for DTIPs prior to the effectivity of the IRR of this Act shall be superseded and will no longer be in effect;

(d) All spectrum assignments validly subsisting upon the effectivity of this Act shall remain effective: *Provided,* That they shall be subject to the SMPF and its corresponding guidelines, rules, and regulations and the provisions of this Act and its IRR upon their effectivity; and

(e) All existing agreements granting entities access to digital infrastructure and services, as well as existing agreements on infrastructure sharing and co-location, shall remain valid upon the effectivity of this Act: *Provided,* That their terms and conditions shall be subject to the provisions of this Act and its IRR upon their effectivity.

SEC. 31. *Implementing Rules and Regulations.* – Within ninety (90) days from the effectivity of this Act, the DICT, in coordination with the NTC, the PCC, the DPWH, the DOTr, the DILG and the Department of Economy, Planning and Development (DEPDev), and upon consultation with relevant stakeholders, shall promulgate the necessary rules and regulations for the effective implementation of this Act.

SEC. 32. *Joint Congressional Oversight Committee on Open Access in Data Transmission.* – There shall be created a Joint Congressional Oversight Committee on Open Access

in Data Transmission (JCOCOADT) which shall monitor and ensure the effective implementation of this Act.

The JCOCOADT shall be composed of five (5) members from the Senate and five (5) members from the House of Representatives, including the Chairperson of the Senate Committee on Science and Technology and the Chairperson of the House of Representatives Committee on Information and Communications Technology: *Provided,* That two (2) members from each chamber shall come from the minority.

The Chairperson of the Senate Committee on Science and Technology and the Chairperson of the House of Representatives Committee on Information and Communications Technology shall act as co-Chairpersons of the JCOCOADT. The ranking minority members nominated by both the Senate and the House of Representatives shall act as co-Vice Chairpersons. The Secretariat of the JCOCOADT shall come from the existing Secretariat personnel of the Committee on Science and Technology of the Senate and the Committee on Information and Communications Technology of the House of Representatives. The JCOCOADT shall have its own independent counsel.

The JCOCOADT shall exist for a period not exceeding five (5) years from the effectivity of this Act. Thereafter, its oversight functions shall be exercised by the Senate Committee on Science and Technology and the House of Representatives Committee on Information and Communications Technology, acting separately.

SEC. 33. *Separability Clause.* – If any provision of this Act is declared unconstitutional, the remainder thereof not otherwise affected shall remain in full force and effect.

SEC. 34. *Repealing Clause.* – Section 1 of Act No. 3846 or the "Radio Control Act", and Section 7, the first sentence of the first paragraph of Section 11, the first paragraph of Section 16, and Section 23 of Republic Act No. 7925, insofar as they apply to DTIPs, are hereby expressly repealed. All other laws, presidential decrees, executive orders, letters of instruction, proclamations, or administrative regulations that are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 35. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,

FERDINAND MARTIN G. ROMUALDEZ
Speaker of the House of Representatives

FRANCIS "CHIZ" G. ESCUDERO
President of the Senate

This Act, which is a consolidation of Senate Bill No. 2699 and House Bill No. 6, was passed by the Senate of the Philippines and the House of Representatives on June 9, 2025.

REGINALD S. VELASCO
Secretary General
House of Representatives

RENATO N. BANTUG JR.
Secretary of the Senate

Approved: Lapsed into law on AUG 24 2025
without the signature of the President
in accordance with Article VI, Section
27 (1) of the Constitution.

FERDINAND ROMUALDEZ MARCOS JR.
President of the Philippines

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