



HOUSE OF REPRESENTATIVES

H. No. 87

BY REPRESENTATIVES REVILLA (R.J.), MERCADO-REVILLA, REVILLA (B.), TIANGCO, BENITEZ (J.M.), VILLAFUERTE (M.L.), MARCOS, RIVERA, ADIONG, VARGAS, ALMARIO (C.M.), GARCIA (M.A.), SINGSON (R.), IWAY, HORIBATA, DAZA, ROMAN, ROMULO, ODUKADO, LAGDAMEO (J.M.), LAGON (S.), PLEYTO, SALCEDA, GARCIA (K.H.), AUMENTADO, YNARES, PADIERNOS, RODRIGUEZ (E.), QUIMBO, HOFER-HASIM, MATIBAG, CO, LACSON, PRIMICIAS-AGABAS, DIONISIO, GUTIERREZ, ORTEGA, KHONGHUN AND ROMUALDO

AN ACT

MANDATING AND INSTITUTIONALIZING ROLL-OVER DATA
ALLOCATION SCHEME AND PROVIDING FOR PENALTIES

*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 “Roll-Over Internet
2 Data Act”.

3 **SEC. 2. *Declaration of Policy.*** – The State recognizes the vital role of
4 information and communications technology in nation building. The State shall
5 implement measures to provide for regulations on internet services provided by
6 internet service providers (ISPs) and ensure that the interest and welfare of the
7 people and the consuming public are protected and upheld.

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

9 a. *Data Capping* refers to the limit of bandwidth allocation an ISP is offering
10 to its subscriber per day, week, or month;

- 1 b. *Internet Data Package* refers to the internet service packages, plans, or
2 promos offered by ISPs with maximum limits on the open access data
3 volume an end user may avail per set period of the package;
- 4 c. *Internet Service Provider* refers to any service-based operator whose
5 services involve the combination of computer processing, information
6 storage, protocol conversion, and transmission to enable subscribers to
7 access internet content and services as well as multimedia services and its
8 transmission of data through digital subscriber line (DSL), fixed wireless
9 broadband, cable broadband, fiber-optic or fiber-to-the-home (FTTH) and
10 mobile data to enable subscribers to access internet content and services, as
11 well as multimedia services;
- 12 d. *Offer Duration* refers to the length of time a subscriber or user is allowed to
13 use an internet data package service and promos;
- 14 e. *Roll-Over Data Allocation* refers to the unused internet data allocation per
15 day, week, or month, as the case may be, depending on the applicable
16 *Internet Data Package*, which shall be carried over to the following day,
17 week, or month until it is fully consumed;
- 18 f. *Unlimited Internet Data Package* refers to an internet service package with
19 no data cap.

20 **SEC. 4. Coverage.** – All ISPs in the Philippines shall be covered by this Act.

21 **SEC. 5. Roll-Over Data Allocation Scheme.** – All ISPs are required to
22 implement a Roll-Over Data Allocation Scheme for their subscribers as follows:

- 23 a. For postpaid subscribers or users:
24 The rolled-over data allocation shall be prioritized to be consumed in the
25 preceding month: *Provided*, That the unused data every month will be
26 rolled-over and accumulated up until the last month of the year: *Provided*
27 *further*, That all unused data allocation for a year may be used and
28 converted as rebates, that may be used by subscribers as payment for
29 internet service in the succeeding year of subscription.
- 30 b. For prepaid subscribers or users and postpaid subscribers who avail of
31 internet data package promo offers:
32 (1) Unused data allocation shall be rolled-over provided that the subscriber
33 or user renews the subscription right after the lapse of the offer duration;

1 (2) The unused data allocation of subscribers or users who fail to renew
2 subscription shall be reduced by twenty percent (20%) every day until the
3 subscription is renewed; and

4 (3) If after five (5) days, the subscription is not renewed, all unused data
5 allocation shall be considered consumed.

6 **SEC. 6. Exemptions.** – Subscribers who availed and shall avail of any
7 unlimited internet data package with no data cap shall be exempted from this Act.

8 **SEC. 7. Penalties.** – Any ISP who fails to comply with any of the provisions
9 of this Act, the following penalties shall be imposed:

10 a. A fine of Fifty thousand pesos (P 50,000.00) per violation per subscriber;
11 and,

12 b. For repeated violations, aside from fine, revocation or cancellation of the
13 license, registration or franchise of an ISP including the waiving of any
14 pre-termination fees of affected subscriber.

15 **SEC. 8. Implementing Rules and Regulations.** – Within sixty (60) days
16 from the effectivity of this Act, the Secretary of the Department of Information
17 and Communications Technology, in coordination with the National
18 Telecommunications Commission and other concerned agencies, shall promulgate
19 the rules and regulations and other issuances as may be necessary to ensure the
20 effective implementation of this Act.

21 **SEC. 9. Separability Cause.** – Should any part or provision of this Act be
22 declared unconstitutional or invalid, the remaining parts or provisions not affected
23 thereby shall remain in full force and effect.

24 **SEC. 10. Repealing Clause.** – All laws, decrees, executive orders,
25 issuances, rules, and regulations contrary to, or inconsistent with any of the
26 provisions of this Act, are hereby deemed repealed, amended, or modified
27 accordingly.

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

Approved,