Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City  

EIGHTEENTH CONGRESS  
Second Regular Session  

House Bill No. 7479  

Introduced by Representative Luis N. Campos, Jr.

EXPLANATORY NOTE

The Constitution recognizes the vital role communication and information in nation building (Article II, Section 24) as well as the authority of the State to regulate and promote the adaptation of technology for the national benefit (Article XIV, Section 10). While heavily considering the right to internet access as a fundamental human right, the United Nations admit that certain declared universal human rights such as education necessitate internet access.

In the Philippines, not only our students need reliable internet to continue their education. Businesses require internet for continued operations, delivery services that facilitate working from home require the internet for navigation and coordination, and communication applications which facilitate real time communication and coordination to entire groups of people require reliable internet. Even government services require the internet to continue operations during this pandemic. In Makati, the Makatizen application which provides an array of government services from grocery delivery to help hotlines runs on an internet-based platform.

This bill which has already undergone technical discussion in the House of Representatives’ Committee on Information and Communications Technology is refilled to continue the pursuit of reliable internet. This is done by empowering the National Telecommunications Commission to consider the internet as a basic service within their regulatory mandate under the Department of Information, Communication, and Technology. This bill ensures that every Filipino has the right to affordable and reliable telecommunication service which shall include internet connections.

In line with the foregoing the passage of this bill is earnestly sought.

[Signature]

REP. LUIS N. CAMPOS, JR.
Republic of the Philippines
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AN ACT

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

SECTION 1. Section 3 of Republic Act 7925, otherwise known as the “Public Telecommunications Policy Act of the Philippines”, is hereby amended to read as follows:

"Sec. 3. Definitions and Interpretations. – For purposes of this Act, the following terms shall be used:

XXX

(I) INTERNET – REFERS TO ALL FORMS OF COMMUNICATION AND DATA TRANSFER NETWORKS THAT ALLOW COMPUTERS AND DEVICES TO CONNECT WITH EACH OTHER WORLDWIDE.

SEC. 2. Section 5 of the same Act is hereby amended to read as follows:

"Sec. 5. Responsibilities of the National Telecommunications Commission. – The National Telecommunications Commission (Commission) shall be the principal administrator of this Act and as such shall take the necessary measures to
implement the policies and objectives set forth in this Act. Accordingly, in
addition to its existing functions, the Commission shall be responsible for the
following:

(XX)

(b) Ensure quality, safety, reliability, security, compatibility and inter-
operability of telecommunications facilities and services, INCLUDING ALL
TYPES OF INTERNET CONNECTION SERVICES, in conformity with
standards and specifications set by international radio and telecommunications
organizations to which the Philippines is a signatory;

(XX)

(f) Protect consumers against misuse of a telecommunications entity's
monopoly or quasi-monopolistic powers by, but not limited to, the investigation
of complaints and exacting compliance with service standards from such entity;
[and]

(g) In the exercise of its regulatory powers, continue to impose such fees
and charges as may be necessary to cover reasonable costs and expenses for the
regulation and supervision of the operations of telecommunications entities [ ];

(H) DEVELOP, IMPLEMENT AND MAINTAIN STANDARDS,
POLICIES, PROGRAMS, AND PLANS TO PROVIDE EFFECTIVE,
eFFICIENT, AND RELIABLE TELECOMMUNICATIONS SERVICES
WHICH SHALL INCLUDE INTERNET SERVICES;

(I) IN THE FURTHER EXERCISE OF ITS REGULATORY POWERS,
IMPOSE FINES AGAINST PUBLIC TELECOMMUNICATION ENTITIES
WITHIN THE SCOPE OF ITS REGULATION, WHICH ARE FOUND TO
HAVE VIOLATED, VIOLATING, OR THOSE WHICH HAVE FAILED OR
ARE FAILING TO COMPLY WITH THE TERMS AND CONDITIONS OF
THIS ACT, ANY CERTIFICATE, OR ANY ORDER, DECISION OR
REGULATION OF THE COMMISSION.
THE ERRING PUBLIC TELECOMMUNICATION ENTITY SHALL BE
SUBJECT TO A FINE AMOUNTING TO THE TOTAL ACTUAL LOSS OR
OVERCHARGING AS DETERMINED BY THE COMMISSION FOR EVERY
DAY DURING WHICH SUCH DEFAULT OR VIOLATION CONTINUES,
OR IF IT IS NOT FEASIBLE TO QUANTIFY THE OFFENSE, TO A FINE
AMOUNTING TO ONE MILLION PESOS (PHP1,000,000.00) FOR EVERY
DAY DURING WHICH SUCH DEFAULT OR VIOLATION CONTINUES
UNTIL THE AMOUNT IS FULLY PAID: PROVIDED, THAT, IF THE
TELECOMMUNICATION ENTITY HAS A GROSS ANNUAL INCOME
NOT EXCEEDING TEN MILLION PESOS (PHP10,000,000.00), THE
PENALTY THAT MAY BE IMPOSED SHALL BE EQUIVALENT TO ONE
PERCENT (1%) TO TWO PERCENT (2%) OF ITS GROSS ANNUAL
INCOME. THE COMMISSION IS HEREBY AUTHORIZED AND
EMPOWERED TO IMPOSE SUCH FINE, AFTER DUE NOTICE AND
HEARING. THE ERRING TELECOMMUNICATION ENTITY IS ALSO
MANDATED TO REFUND TO CONSUMERS THE CHARGES IT
ERRONEOUSLY IMPOSED TO ITS SUBSCRIBERS; AND

(i) THE COMMISSION SHALL REQUIRE PUBLIC
TELECOMMUNICATION ENTITIES WITH SIGNIFICANT MARKET
POWER AS DETERMINED BY THE PHILIPPINE COMPETITION
COMMISSION (PCC) TO PROVIDE TIMELY ACCESS TO ITS NETWORK,
FACILITIES OR EQUIPMENT TO ACCESS SEEKERS ON A FAIR,
REASONABLE AND NON-DISCRIMINATORY TERMS AND
CONDITIONS.”

SEC. 3. Section 12 of the same Act is hereby amended to read as follows:

"Sec. 12. Mobile Radio Services. - [In a local telephone exchange area, m]
More than one duly enfranchised provider of mobile radio services, distinct and
separate from the local exchange carrier, may be allowed to operate. However,
such entities shall secure prior authority from the Commission and, in addition,
comply with the norms on radio frequency spectrum utilization.

[The operator of XXX a mobile radio telephone system.]

SEC. 4. Section 15 of Republic Act 7925 is hereby amended to read as follows:

"Sec. 15. [Radio Frequency Spectrum.] USE OF AVAILABLE OR UNASSIGNED SPECTRUM. - The radio frequency spectrum allocation and assignment shall be subject to AN ANNUAL REVIEW. THE USE THEREOF SHALL BE SUBJECT TO reasonable spectrum user fees. Where demand for specific frequencies exceed availability, the Commission shall hold open tenders for the same and ensure wider access to this limited resource.

WITHIN ONE (1) YEAR FROM THE EFFECTIVITY OF THIS ACT, THE DEPARTMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY (DICT), IN CONSULTATION WITH THE COMMISSION AND THE PCC, SHALL ISSUE THE GUIDING PRINCIPLES AND POLICY DIRECTION FOR THE USE OF SPECTRUM."

SEC. 5. Section 18 of the same Act is hereby amended to read as follows:

"Sec. 18. Access Charge/Revenue Sharing. - The access charge/revenue sharing arrangements between all interconnecting carriers shall be negotiated between the parties and the agreement between the parties shall be submitted to the Commission FOR REVIEW AND APPROVAL. In the event the parties fail to agree thereon within a reasonable period of time, the dispute shall be submitted to the Commission for resolution.

In adopting or approving an access charge formula or revenue sharing agreement between two or more carriers, particularly, but not limited to a local exchange, interconnecting with a mobile radio, interexchange long distance carrier, or international carrier, the commission shall ensure equity, reciprocity
and fairness among the parties concerned. [In so approving the rates for XXX
interconnecting with them.]”

SEC. 6. A new Section shall be inserted after Section 18 of the same Act to read as
follows:

“SEC. 18-A TRANSPARENCY. - ALL INTERCONNECTING
CARRIERS SHALL PROVIDE TO THE COMMISSION ALL TERMS AND
CONDITIONS, INCLUDING RATES, OF ACCESS CHARGE/REVENUE
SHARING ARRANGEMENTS SUCH CARRIERS HAVE ENTERED INTO.
ALL TELECOMMUNICATIONS SERVICE PROVIDERS SHALL
OPEN THEIR BOOKS OF ACCOUNT TO THE COMMISSION, WHO IS
EMPOWERED TO DEMAND COPIES THEREOF.”

SEC. 7. Section 20 of the same Act is hereby amended to read as follows:

“Section 20. Rights of End-Users. - The user of telecommunications service
shall have the following basic rights:

XXX

(b) Right to be given the first single-line telephone connection or the first
party-line connection within two (2) months of application for service, against
deposit; or within three (3) months after targeted commencement of service in
the barangay concerned per the original schedule of service expansion approved
by the Commission, whichever deadline comes later [•] OR WITHIN ONE (1)
MONTH OF APPLICATION FOR SERVICE IN CASE OF INTERNET
APPLICATIONS;

(c) Regular, timely and accurate billing, courteous and efficient service at
utility business offices and by utility company personnel [•; and], AS WELL AS
PROMPT CORRECTION OF ERRORS IN BILLING AND THE PROVISION
FOR IMMEDIATE REBATES OR REFUND;
(d) Thorough and prompt investigation of, and action upon complaints. The utility shall endeavor to allow complaints to be received over the telephone, THROUGH E-MAIL, SMS AND OTHER AVAILABLE MODES OF COMMUNICATION and shall keep a record of all written or phoned-in complaints;

(E) RIGHT TO RECEIVE AFFORDABLE, QUALITY, EFFICIENT, AND RELIABLE TELECOMMUNICATIONS SERVICE WHICH SHALL INCLUDE INTERNET SERVICES; AND

(F) RIGHT TO RECEIVE A WRITTEN CONTRACT INCLUDING SPECIFIC DETAILS ON THE SERVICES SUBSCRIBED TO, THE COST AND TARIFFS, THE MINIMUM SERVICE QUALITY LEVEL, INCLUDING THE PROVISIONS FOR REFUND AND TERMINATION OF CONTRACT IF THE WARRANTED QUALITY OF SERVICE IS NOT MET.

SEC. 8. Separability Clause. – Should any provision herein be declared unconstitutional, the other provisions not affected shall remain in full force and effect.

SEC. 9. Repealing Clause. – Section 23 of Republic Act 7925 Equality of Treatment in the Telecommunications Industry is hereby repealed. All laws, orders, issuance, rules and regulations or part thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

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

Approved,