Submitted by the Committee on Information and Communications Technology on MARCH 18, 2021.

Re: House Bill No. 9057

Recommending its approval in substitution of House Bills Numbered 7509, 8085, and 8639

Sponsor: Representatives Victor A. Yap and Enrico A. Pineda

Mr. Speaker:

The Committee on Information and Communications Technology to which were referred House Bill No. 7509 introduced by Representatives Enrico A. Pineda and Michael Odylon L. Romero, Ph.D., entitled:

"AN ACT
MANDATING AND INSTITUTIONALIZING ROLL-OVER DATA ALLOCATION SCHEME, PROVIDING FOR PENALTIES AND FOR OTHER PURPOSES"

House Bill No. 8085 introduced by Rep. Strike B. Revilla, entitled:

"AN ACT
MANDATING AND INSTITUTIONALIZING ROLL-OVER DATA ALLOCATION SCHEME, PROVIDING FOR PENALTIES AND FOR OTHER PURPOSES"

and House Bill No. 8639 introduced by Rep. Joy Myra S. Tambunting, entitled:

"AN ACT
MANDATING AND INSTITUTIONALIZING ROLL-OVER DATA ALLOCATION SCHEME, PROVIDING FOR PENALTIES AND FOR OTHER PURPOSES"

has considered the same and recommends that the attached House Bill No. 9057, entitled:

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


Respectfully submitted: 

HON. VICTOR A. YAP
Chairperson
Committee on Information and Communications Technology

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
Quezon City
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 session assembled:

SECTION 1. Short Title. - This Act shall be known as "Roll-Over Internet Act".

SEC. 2. Declaration of Policy. - The State recognizes the vital role of information and communications technology in nation building. The State shall implement measures to provide for regulations on internet services provided by internet service providers and ensure that the interest and welfare of the people and the consuming public are protected and upheld.

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

a. Data Capping refers to the limit of bandwidth allocation an internet service providers (ISP) is offering to its subscriber per day, week, or month;

b. Internet Data Package refers to the internet service packages, plans or promos offered by ISPs with maximum limits on the open access data volume an end user may avail per set period of the package;

c. Internet Service Provider refers to any service-based operator whose services involve the combination of computer processing, information storage, protocol conversion, and transmission to enable subscribers to access internet content and services as well as multimedia services and its transmission of data through digital subscriber line (DSL), fixed wireless broadband, cable broadband, fiber-optic or fiber-to-the-home (FTTH) and mobile data to enable subscribers to access internet content and services, as well as multimedia services;
d. Offer Duration refers to the length of time a subscriber or user is allowed to use an internet data package service and promos.

e. Roll-Over Data Allocation refers to the unused internet data allocation per day, week or month, as the case may be, depending on the applicable Internet Data Package, which shall be carried over to the following day, week or month until it is fully consumed;

f. Unlimited Internet Data Package refers to an internet service package with no data cap;

SEC. 4. Coverage. - All ISPs in the Philippines shall be covered by this Act.

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

a. For postpaid subscribers or users:

The rolled-over data allocation shall be prioritized to be consumed in the preceding month: Provided, That the unused data every month will be rolled-over and accumulated up until the last month of the year: Provided further, That all unused data allocation for a year may be used and converted as rebates, that may be used by subscribers as payment for internet service in the succeeding year of subscription.

b. For prepaid subscribers or users and postpaid subscribers who avail of internet data package promo offers:

1. Unused data allocation shall be rolled-over provided that the subscriber or user renews the subscription right after the lapse of the offer duration.

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

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

SEC. 6. Exemptions. - Subscribers who availed and shall avail of any unlimited Internet data package with no data cap shall be exempted from this Act.

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

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

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

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

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

SEC. 10. Repealing Clause. - All laws, decrees, executive orders, issuances, rules and
regulations which may be inconsistent with any of the provisions of this Act, are hereby deemed
repealed, amended or modified accordingly.

Sec. 11. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the
Official Gazette or in a newspaper of general circulation.

Approved,
FACT SHEET

House Bill No. 9057

(Substitute Bill to House Bills Numbered 7509, 8085 and 8639)

Roll-Over Internet Act


Committee Referral: COMMITTEE ON INFORMATION and COMMUNICATIONS TECHNOLOGY (Primary)

Committee Chairperson: REP. VICTOR A. YAP

OBJECTIVES:

- To guarantee that end users of internet services will get the most from and enjoy to the fullest the data allocation that they pay for.

KEY PROVISIONS:

- Regulates and institutionalizes the “Roll-Over Data Allocation Scheme”.
- Mandates all Internet Service Providers (ISPs) to implement a roll-over data allocation system for their subscribers which can be consumed in the preceding month.
- Directs the ISPs to roll-over the unused and accumulated data every month up until the last month of the year and all unused data allocation for a year may be used and converted as rebates, which may be used as payment for internet service in the succeeding year of subscription.
- Imposes to ISPs the following penalties for failure to comply:
  a) a fine of Fifty thousand pesos (₱50,000.00) per violation
  b) for repeated violations - fine and revocation of the ISP’s license and franchise