Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

EIGHTEENTH CONGRESS

First Regular Session

5317
House Bill No. ______________

Introduced by Representative Xavier Jesus D. Romualdo

EXPLANATORY NOTE

The Public Telecommunications Policy Act of the Philippines (Republic Act No. 7925) was enacted in 1995, when only 0.77% of Filipinos had access to the Internet.¹ Today, the Philippines has 67 million active users, which ranks 12th worldwide in terms of the total number of Internet users.² However, despite the impressive raw numbers, we rank near the bottom in both Internet speed and cost tables. Mobile Internet speed is ranked 100th worldwide, while fixed broadband is 83rd.³ In terms of cost, we are 85th.⁴

This contradiction illustrates why there is a need to modernize and rationalize our telecommunications law to be more attuned with the current, as well as future, landscape. The importance of the Internet in today's global economy cannot be overstated. We need to keep our laws up-to-date in order to foster an environment that allows Filipinos to be globally competitive. To achieve this, it is proposed that we adopt the following principles: (1) technology neutrality; (2) universal access; and (3) open Internet. To operationalize these, there is a need to reclassify internet access services as distinct from value-added services (VAS), strengthen the National Telecommunications Commission (NTC), and expand consumer protection.

¹Individuals using the Internet (% of population), available at: https://data.worldbank.org/indicator/IT.NET.USER.ZS
²PH now has 12th highest number of Internet users, available at: http://newsbytes.ph/2018/06/10/ph-now-has-12th-highest-number-of-internet-users/
⁴Worldwide Broadband Price Comparison, available at: https://www.cable.co.uk/broadband/deals/worldwide-price-comparison/
Technology Neutrality

Technology neutrality means that the same regulatory principles should apply regardless of the technology used. Laws should not be drafted in technological silos. Technological neutrality is particularly important in view of the speed of technological innovation and development, and helps to ensure that the law is able to accommodate future developments and does not quickly become dated. For this reason, the provisions of the proposed bill are purposefully not overtechnical and are silent with respect to specific technologies (e.g., DSL, fiber, 4G network, etc.).

Universal Access

The internet has become a pervasive and fundamental part of the daily lives of Filipinos. Its impact on both economic development and solving problems in areas such as health, education, basic financial services and agriculture is well documented. It continues to have the potential to propel societies, help business leaders develop innovative business models and assist governments in addressing critical policy concerns. Providing every Filipino with access to the Internet is therefore an important policy objective. Although our Internet penetration rate is above the global average, we still failed to crack the worldwide top 50 in Internet penetration rate.\(^5\) There remains plenty of room for improvement.

The Public Telecommunications Act made basic telephone service a universal service obligation by telcos. Today, however, access to the Internet is arguably more important than basic landline services. The bill proposes that internet access service be made a universal service obligation as well, subject to fair and reasonable return on investment by telcos. Consistent with the bill’s technology neutral approach, it is up to telcos to determine what type of internet service (e.g., fixed or mobile) will be provided to subscribers in order to satisfy its service obligation.

Open Internet

Openness or neutrality is a very significant characteristic of the Internet. It works on the principle that all web traffic should be treated on an equitable, non-discriminatory basis no matter its origin or the type of data transmitted. Basically, it allows for free and unrestricted access to online content. From an end-user’s perspective, it means that anyone from anywhere can access any website and express themselves freely without hindrances of whatever kind. Under this principle,

\(^5\)Top 50 Countries with the Highest Internet Penetration Rates, available at: https://www.internetworldstats.com/top25.htm
telecos should not have the power to block certain websites or slow down internet speeds depending on how much content-providers pay for access to their networks.

The principle of openness has created a free and vast global business environment that makes it possible for Filipinos to thrive in the digital age. Ensuring an open Internet facilitates innovation, stimulates employment and increases economic growth. Internet connectivity is being fully utilized by our booming technology startup scene, which enables small commercial ventures to grow and compete with international corporations located in developed nations through the accessibility to the free and open Internet. A discriminatory (non-open) Internet threatens to thwart small and micro businesses and increase the digital divide.

The bill regulates the way that internet service providers (ISPs) can deliver information to their customers by prohibiting certain activities that threaten openness, namely:

(1) Blocking – ISPs cannot block legal content, applications, or services.
(2) Throttling – ISPs cannot slow down or degrade internet service based on the content, application, or service accessed by users.
(3) Paid Prioritization – ISPs cannot accept payment to give content, applications, or services more favorable access to users. Zero-rating, i.e., the practice of not charging customers for data use on specific websites and services by ISPs, will be allowed only if the ISP does not receive any consideration, monetary or otherwise, from the practice.

The main concern of openness is the delivery of and access to information through the Internet. The bill seeks to restrict the ability of ISPs to block out competition by restricting certain pipelines within the Internet. It does not affect the ISPs' ability to offer tiered pricing schemes depending on the plan availed of by the subscriber.

Reclassifying Internet Access Services

Under the current framework, internet access service is only considered as a value-added service (VAS), over which the NTC has minimal regulatory authority. Reclassifying internet services not only reflects realities of the time—there are now 67

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6The rising tech start-up scene in the Philippines, available at: https://www.bworldonline.com/the-rising-tech-start-up-scene-in-the-philippines/
million internet users compared to 3 million fixed-line telephone subscribers—but is necessary to impose access obligations, ensure affordability and quality services, and provide basis for the regulator to impose administrative sanctions. The fact that there is basically a duopoly in the country’s internet services further justify closer regulatory scrutiny of the internet services segment.

At the same time, true VAS need to be fully competitive. VAS, particularly software applications that utilize the Internet, are defined by abundance, not scarcity. To foster innovation, improve consumer choices, and support the country’s thriving startup ecosystem, it is important that the market for VAS be openly competitive and free from unnecessary bureaucracy.

**Strengthening the NTC**

One of the main weaknesses of the NTC is its inability to impose meaningful sanctions on telcos. Currently, NTC still has to rely on the old Public Service Act, enacted in 1936, when levying administrative fines. That law limits the amount of administrative fines to Php200 per day for each violation. The bill brings the range of fines imposable by the NTC at par with other commissions, such as the PCC.

To improve transparency and accountability, NTC as primary regulator must have the power to set minimum standards. This would provide an objective measure of an ISP’s performance. The standards must reflect the current status of technology and adapt with advances in the industry.

**Expanding Consumer Rights**

It is important that users of telecommunications services be given the power to make informed choices and receive affordable and high quality services. The bill establishes norms and standards relating to consumer protection, institutionalizes complaints handling procedures, and prohibits certain unfair business practices in the telecoms industry. The expanded consumer rights complement the new duties of service providers and expanded responsibilities of the NTC under this bill.

In view of the foregoing, the approval of this bill is earnestly sought.

XAVIER JESUS D. ROMUALDO
Republic of the Philippines  
House of Representatives  
Quezon City, Metro Manila  

Eighteenth Congress  

First Regular Session  

5317  
House Bill No. ________  

INTRODUCED BY REPRESENTATIVE XAVIER JESUS D. ROMUALDO  

AN ACT  
PROMOTING OPEN INTERNET ACCESS, STRENGTHENING THE NATIONAL  
TELECOMMUNICATIONS COMMISSION, AND EXPANDING THE RIGHTS OF  
END-USERS, AMENDING FOR THESE PURPOSES REPUBLIC ACT NO. 7925  

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

SECTION 1. TITLE. This Act shall be known as the “Open Internet Act of 2018.”  

SEC 2. Section 3 of Republic Act No. 7925, otherwise known as the “Public  
Telecommunications Policy Act of the Philippines,” is hereby amended as follows:  

“SEC. 3. Definitions and Interpretations - For purposes of this Act, the  
following terms shall be used:  

XXX XXX XXX  

“I) INTERNET ACCESS SERVICE - A PUBLICLY AVAILABLE  
ELECTRONIC COMMUNICATIONS SERVICE, WHETHER FIXED OR  
MOBILE, THAT PROVIDES ACCESS TO THE INTERNET, AND  
THEREBY CONNECTIVITY TO VIRTUALLY ALL END POINTS OF  
The INTERNET, IRRESPECTIVE OF THE NETWORK TECHNOLOGY  
AND TERMINAL EQUIPMENT USED.  

“K) PAID PRIORITIZATION - MEANS THE MANAGEMENT OF AN  
INTERNET ACCESS SERVICE PROVIDER’S NETWORK TO  
DIRECTLY OR INDIRECTLY FAVOR SOME TRAFFIC OVER OTHER
TRAFFIC, INCLUDING THROUGH THE USE OF TECHNIQUES SUCH
AS TRAFFIC SHAPING, PRIORITIZATION, RESOURCE
RESERVATION, OR OTHER FORMS OF PREFERENTIAL TRAFFIC
MANAGEMENT, EITHER: (1) IN EXCHANGE FOR
CONSIDERATION, MONETARY OR OTHERWISE, FROM A THIRD
PARTY; OR (2) TO BENEFIT AN AFFILIATED ENTITY. "PAID
PRIORITIZATION" DOES NOT INCLUDE THE PROVISION OF
TIERED INTERNET ACCESS SERVICE OR OFFERINGS TO A RETAIL
END USER."

SEC. 3. Section 5 of the same Act is hereby amended as follows:

"SEC. 4. 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:

"a) Adopt an administrative process which would facilitate
the entry of qualified service providers and adopt a pricing policy
which would generate sufficient returns to encourage them to
provide basic telecommunications AND INTERNET ACCESS
services in unserved and underserved areas;

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

"c) Mandate a fair and reasonable interconnection of facilities of
authorized public network operators and other providers of
telecommunications services through appropriate modalities of
interconnection and at a reasonable and fair level of charges
which make provision for the cross subsidy to unprofitable local exchange service areas so as to promote telephone density and provide the most extensive access to basic telecommunications AND INTERNET ACCESS services available at affordable rates to the public;

d) Foster fair and efficient market conduct through, but not limited to, the protection of telecommunications entities from unfair trade practices of other carriers;

e) Promote consumers welfare by facilitating access to telecommunications services whose infrastructure and network must be geared towards the needs of individual and business users;

f) Protect consumers against misuse of 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.]

"G) MONITOR THE EVOLUTION AND LEVEL OF RETAIL TARIFFS OF THE TELECOMMUNICATIONS ENTITIES IDENTIFIED IN SECTIONS 8, 9, 10 AND 11-A IN RELATION TO NATIONAL CONSUMER PRICES AND INCOME;

"H) PROMOTE THE AVAILABILITY OF AFFORDABLE AND NON-DISCRIMINATORY INTERNET ACCESS SERVICES AT LEVELS OF QUALITY THAT REFLECT ADVANCES IN TECHNOLOGY. FOR THESE PURPOSES, THE COMMISSION SHALL PUBLISH AND IMPOSE REQUIREMENTS CONCERNING TECHNICAL CHARACTERISTICS, MINIMUM
QUALITY OF SERVICE REQUIREMENTS AND OTHER
APPROPRIATE AND NECESSARY MEASURES ON
PROVIDERS OF INTERNET ACCESS SERVICES WITHIN
SIXTY (60) DAYS OF THE EFFECTIVITY OF THIS ACT, AND
WHICH SHALL BE REVIEWED AND UPDATED AT
REASONABLE INTERVALS;

"I) CLOSELY MONITOR AND ENSURE COMPLIANCE OF
PUBLIC TELECOMMUNICATIONS ENTITIES, INCLUDING
PROVIDERS OF INTERNET ACCESS SERVICES, WITH THE
PROVISIONS OF THIS ACT AND THE RULES AND
REGULATIONS PROMULGATED BY THE COMMISSION;

"J) REQUIRE PUBLIC TELECOMMUNICATIONS ENTITIES
TO PUBLISH COMPARABLE, ADEQUATE AND UP-TO-DATE
INFORMATION FOR END-USERS ON THE QUALITY OF
THEIR SERVICES. THE INFORMATION SHALL ALSO BE
SUPPLIED TO THE COMMISSION IN ADVANCE OF ITS
PUBLICATION. THE COMMISSION MAY PRESCRIBE THE
QUALITY OF SERVICE PARAMETERS TO BE MEASURED,
AND THE CONTENT, FORM AND MANNER OF
INFORMATION TO BE PUBLISHED, IN ORDER TO ENSURE
THAT END-USERS HAVE ACCESS TO COMPREHENSIVE,
COMPARABLE AND USER-FRIENDLY INFORMATION;

"K) HANDLE UNRESOLVED COMPLAINTS BY END-USERS
AGAINST PUBLIC TELECOMMUNICATIONS ENTITIES,
INCLUDING PROVIDERS OF INTERNET ACCESS SERVICES,
AND INVESTIGATE, TO THE EXTENT APPROPRIATE, THE
SUBJECT MATTER OF THE COMPLAINT AND INFORM THE
COMPLAINANT OF THE PROGRESS AND THE OUTCOME OF
THE INVESTIGATION WITHIN A REASONABLE PERIOD.
COMPLAINTS ARE CONSIDERED UNRESOLVED IF THE
SERVICE PROVIDER IS UNABLE TO RESOLVE THE END-
USER’S COMPLAINT WITHIN THE PERIOD PRESCRIBED IN
SECTION 20(D). THE COMMISSION SHALL PROMULGATE A
SIMPLE AND TRANSPARENT PROCEDURE FOR DEALING
WITH UNRESOLVED COMPLAINTS AND SHALL FACILITATE
THE SUBMISSION OF SUCH COMPLAINTS BY EASILY
ACCESSIBLE MEASURES SUCH AS A COMPLAINT
SUBMISSION FORM WHICH CAN BE COMPLETED
 ELECTRONICALLY, WITHOUT EXCLUDING OTHER MEANS
OF COMMUNICATION;

"L) PUBLISH AN ANNUAL REPORT REGARDING ITS
MONITORING AND FINDINGS, AND SUBMIT THOSE
REPORTS TO CONGRESS AND THE PRESIDENT THROUGH
THE DEPARTMENT OF INFORMATION AND
COMMUNICATIONS TECHNOLOGY (DICT); AND

"M) IN THE EXERCISE OF ITS REGULATORY POWERS,
IMPOSE AGAINST ANY PUBLIC TELECOMMUNICATIONS
ENTITY 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, A FINE OF NOT LESS
THAN FIFTY THOUSAND PESOS (P50,000.00) UP TO TWO
MILLION PESOS (P2,000,000.00) FOR EACH VIOLATION
AND A SIMILAR AMOUNT OF PENALTY FOR EACH DAY
THEREAFTER UNTIL THE SAID ENTITY FULLY COMPLIES;
AND 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."

SEC. 4. Section 6 of the same Act is hereby amended as follows:

"SEC. 6. Responsibilities of and Limitations to Department
Powers. - The Department of [Transportation and
Communications] INFORMATION AND COMMUNICATIONS
TECHNOLOGY (Department) shall not exercise any power which
will tend to influence or effect a review or a modification of the 
Commission's quasi-judicial functions.

"In coordination with the Commission, however, the Department 
shall, in accordance with the policies enunciated in this Act, be 
responsible for:

"a) the development and maintenance of a long-term strategic 
national development plan for telecommunications to serve as a 
guide to the industry and potential investors as well as to the 
Commission;

"b) the coordination of research and development activities in 
government with the work of other institutions in the field of 
telecommunications AND INFORMATION AND 
COMMUNICATIONS TECHNOLOGY (ICT);

"c) the representation and promotion of Philippine interests in 
international bodies, and the negotiation of the nation's rights 
and obligations in international telecommunications AND ICT 
matters; and

"d) the operation of a national consultative forum to facilitate 
interaction amongst the telecommunications AND ICT industries, 
user groups, academic and research institutions in the airing and 
resolution of important issues in the field of communications AND 
technology."

SEC. 5. Section 11 of the same Act is hereby amended as follows:

"SEC. 11. Value-added Service Provider. – VAS SHALL BE OPEN
AND COMPETITIVE. Provided that it does not put its own network, a 
VAS provider need not secure a franchise, LICENSE OR PERMIT TO 
OPERATE. A VAS provider shall be allowed to competitively offer its 
services and/or expertise, and lease or rent telecommunications 
equipment and facilities necessary to provide such specialized services, in
the domestic and/or international market in accordance with network compatibility.

"Telecommunications entities may provide VAS, subject to the additional requirements that:

"a) prior approval of the Commission is secured to ensure that such VAS offerings are not cross-subsidized from the proceeds of their utility operations;

"b) other providers of VAS are not discriminated against in rates nor denied equitable access to their facilities; and

"c) separate books of accounts are maintained for the VAS.

"FOR THE PURPOSES OF THIS ACT, INTERNET ACCESS SERVICES, OTHER THAN DIAL-UP INTERNET ACCESS SERVICES, SHALL NOT BE CONSIDERED VAS."

SEC. 6. A new Section 11-A is hereby added to the same Act which shall read as follows:

"SEC. 11-A. INTERNET ACCESS SERVICES. — A PROVIDER OF INTERNET ACCESS SERVICES, EXCLUDING DIAL-UP INTERNET ACCESS SERVICES, SHALL:

A) PROVIDE UNIVERSAL INTERNET ACCESS SERVICE TO ALL SUBSCRIBERS WHO APPLIED FOR SUCH SERVICE WITHIN A REASONABLE PERIOD AND AT SUCH TARRIFS AS TO SUFFICIENTLY GIVE IT A FAIR RETURN ON ITS INVESTMENTS.

B) MEET SUCH MINIMUM QUALITY OF SERVICE STANDARDS AS THE COMMISSION MAY SPECIFY AND PUBLISH."
C) TREAT ALL TRAFFIC EQUALLY, WHEN PROVIDING INTERNET ACCESS SERVICES, WITHOUT DISCRIMINATION, RESTRICTION OR INTERFERENCE, AND IRRESPECTIVE OF THE SENDER AND RECEIVER, THE CONTENT ACCESSED OR DISTRIBUTED, THE APPLICATIONS OR SERVICES USED OR PROVIDED, OR THE TERMINAL EQUIPMENT USED

THE REQUIREMENT UNDER THE FIRST SUBPARAGRAPH SHALL NOT PREVENT PROVIDERS OF INTERNET ACCESS SERVICES FROM IMPLEMENTING REASONABLE TRAFFIC MANAGEMENT MEASURES. IN ORDER TO BE DEEMED TO BE REASONABLE, SUCH MEASURES SHALL BE TRANSPARENT, NON-DISCRIMINATORY AND PROPORTIONATE, AND SHALL NOT BE BASED ON COMMERCIAL CONSIDERATIONS BUT ON OBJECTIVELY DIFFERENT TECHNICAL QUALITY OF SERVICE REQUIREMENTS OF SPECIFIC CATEGORIES OF TRAFFIC. SUCH MEASURES SHALL NOT MONITOR THE SPECIFIC CONTENT AND SHALL NOT BE MAINTAINED FOR LONGER THAN NECESSARY.

PROVIDERS OF INTERNET ACCESS SERVICES SHALL NOT ENGAGE IN TRAFFIC MANAGEMENT MEASURES GOING BEYOND THOSE SET OUT IN THE SECOND SUBPARAGRAPH, AND IN PARTICULAR SHALL NOT:

(1) BLOCK LAWFUL CONTENT, APPLICATIONS, SERVICES, OR NONHARMFUL DEVICES, SUBJECT TO REASONABLE NETWORK MANAGEMENT;

(2) IMPAIR OR DEGRADE LAWFUL INTERNET TRAFFIC ON THE BASIS OF INTERNET CONTENT, APPLICATION, OR SERVICE, OR USE OF A NONHARMFUL DEVICE, SUBJECT TO REASONABLE NETWORK MANAGEMENT; OR

(3) ENGAGE IN PAID PRIORITIZATION.
D) ENSURE THAT ANY CONTRACT WHICH INCLUDES INTERNET ACCESS SERVICE SPECIFIES AT LEAST THE FOLLOWING:

(1) INFORMATION ON HOW TRAFFIC MANAGEMENT MEASURES APPLIED BY THAT PROVIDER COULD IMPACT ON THE QUALITY OF THE INTERNET ACCESS SERVICES, ON THE PRIVACY OF END-USERS AND ON THE PROTECTION OF THEIR PERSONAL DATA;

(2) A CLEAR AND COMPREHENSIBLE EXPLANATION AS TO HOW ANY VOLUME LIMITATION, SPEED AND OTHER QUALITY OF SERVICE PARAMETERS MAY IN PRACTICE HAVE AN IMPACT ON INTERNET ACCESS SERVICES, AND IN PARTICULAR ON THE USE OF CONTENT, APPLICATIONS AND SERVICES;


(4) A CLEAR AND COMPREHENSIBLE EXPLANATION OF THE REMEDIES AVAILABLE TO THE CONSUMER IN THE EVENT OF ANY CONTINUOUS OR REGULARLY RECURRING DISCREPANCY BETWEEN THE ACTUAL PERFORMANCE OF THE INTERNET ACCESS SERVICE REGARDING SPEED AND THE PERFORMANCE INDICATED OR QUALITY OF SERVICE PARAMETERS SET BY THE COMMISSION.

E) BE ENTITLED TO A FAIR AND EQUITABLE REVENUE SHARING ARRANGEMENT WITH PROVIDERS OF OTHER TELECOMMUNICATIONS SERVICES CONNECTED TO ITS BASIC NETWORK.
SEC. 7. Section 20 of the same Act is hereby amended as follows:

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

(a) Entitlement of utility service which is non-discriminatory, reliable and conforming with minimum standards set by the Commission;

(b) Right to be given the first single-line telephone connection or the first party-line connection OR FIXED INTERNET ACCESS 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;

(c) Regular, timely and accurate billing, courteous and efficient service at [utility] THE SERVICE PROVIDER’S business offices and by [utility] ITS company personnel, PROMPT CORRECTION OF ERRORS IN BILLING, AND PROVISION OF REBATES AND REFUNDS WITHIN FIFTEEN (15) DAYS OF DISCOVERY OF THE ERROR; [and]

(d) Thorough and prompt investigation of, and action upon complaints. The [utility] SERVICE PROVIDER shall PUT IN PLACE TRANSPARENT, SIMPLE AND EFFICIENT PROCEDURES TO ADDRESS COMPLAINTS OF END-USERS AND endeavor to allow SUCH complaints to be received over the telephone OR ELECTRONICALLY THROUGH THE SERVICE PROVIDER’S WEBSITE, E-MAIL OR SMS, and shall keep a record of all written or phoned-in complaints. THE SERVICE PROVIDER MUST ACKNOWLEDGE A COMPLAINT RECEIVED ELECTRONICALLY WITHIN TWO (2) WORKING DAYS. IN ALL Instances, THE SERVICE PROVIDER SHALL ENDEAVOR TO RESOLVE A COMPLAINT ON FIRST CONTACT AND NO LATER THAN FIFTEEN (15) WORKING DAYS FROM RECEIPT OF THE COMPLAINT;
(E) RIGHT TO PROTECTION OF PERSONAL INFORMATION. SERVICE PROVIDERS MAY PROCESS PERSONAL DATA OF END-USERS ONLY IF SUCH PROCESSING IS NECESSARY AND PROPORTIONATE FOR THE PURPOSE OF EVALUATING THE END-USER'S SERVICE APPLICATION OR OTHER REQUESTS; PROVIDED THAT, ANY SUCH PROCESSING SHALL COMPLY WITH REPUBLIC ACT NO. 10173, OTHERWISE KNOWN AS THE "DATA PRIVACY ACT OF 2012";

(F) RIGHT TO BE INFORMED OF ALL TERMS AND CONDITIONS RELEVANT TO THE SERVICE AND BE PROTECTED AGAINST UNREASONABLE CHARGES. THE SERVICE PROVIDER SHALL IMMEDIATELY PROVIDE THE END-USER A COPY OF THE CONTRACT, IN WRITTEN OR ELECTRONIC FORM, SPECIFYING ALL THE TERMS AND CONDITIONS OF SERVICE. THE END-USER CAN ONLY BE CHARGED ACCORDING TO THE RATES, TERMS AND CONDITIONS HE/SHE HAS AGREED TO. THE END-USER SHALL NOT BE CHARGED FOR THE TIME DURING WHICH A CONTINUING OR CONTINUOUS SERVICE WAS INTERRUPTED THROUGH NO FAULT OF THE SUBSCRIBER;

(G) RIGHT TO OPT-OUT. EXCEPT FOR PREPAID SERVICES, THE END-USER SHALL HAVE THE RIGHT TO OPT-OUT FROM A SERVICE WITHOUT A PENALTY WITHIN THIRTY (30) DAYS FROM THE START OR COMMENCEMENT THEREOF. END-USERS SHALL HAVE A RIGHT TO WITHDRAW FROM THEIR CONTRACTS WITHOUT PENALTY UPON NOTICE OF PROPOSED MODIFICATIONS IN THE CONTRACTUAL CONDITIONS. END-USERS SHALL BE GIVEN ADEQUATE NOTICE, NOT SHORTER THAN THIRTY (30) DAYS, AHEAD OF ANY SUCH MODIFICATIONS AND SHALL BE INFORMED AT THE SAME TIME OF THEIR RIGHT TO WITHDRAW, WITHOUT PENALTY, FROM SUCH CONTRACTS, IF THEY DO NOT ACCEPT THE NEW CONDITIONS.

(H) END-USERS SHALL HAVE THE RIGHT TO ACCESS AND DISTRIBUTE INFORMATION AND CONTENT, USE AND
PROVIDE APPLICATIONS AND SERVICES, AND USE TERMINAL
EQUIPMENT OF THEIR CHOICE, IRRESPECTIVE OF THE END-
USER’S OR PROVIDER’S LOCATION OR THE LOCATION,
ORIGIN OR DESTINATION OF THE INFORMATION, CONTENT,
APPLICATION OR SERVICE, VIA THEIR INTERNET ACCESS
SERVICE.

SEC. 8. All laws, presidential decrees, executive orders and rules and regulations
or part thereof, contrary to, or inconsistent with the provisions of this Act, are hereby
repealed or modified accordingly.

SEC. 9. Should any provision of this Act be found unconstitutional by a court of
law, such provision shall be severed from the remainder of this Act, and such action
shall not affect the enforceability of the remaining provisions of this Act.

SEC. 10. This Act shall take effect fifteen (15) days after its complete publication
in any two (2) national newspapers of general circulation.

Approved,