

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



EIGHTEENTH CONGRESS

First Regular Session

House Bill No. **5317**

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/>

³Speedtest Global Index Philippines: June 2018, available at: <https://www.yugatech.com/news/speedtest-global-index-philippines/#sthash.WONMzBoy.dpbs#48FqWovHbSk73ID3.97>

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,

⁵Top 50 Countries with the Highest Internet Penetration Rates, available at: <https://www.internetworldstats.com/top25.htm>

telcos 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,⁶ 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.⁷

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

⁶The rising tech start-up scene in the Philippines, available at: <https://www.bworldonline.com/the-rising-tech-start-up-scene-in-the-philippines/>

⁷The Importance of Net Neutrality in the Emerging and Developing World , available at: <http://old.gfem.org/node/8651>

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
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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:

1 **SECTION 1.** TITLE. This Act shall be known as the "Open Internet Act of 2018."
2

3 **SEC 2.** Section 3 of Republic Act No. 7925, otherwise known as the "Public
4 Telecommunications Policy Act of the Philippines," is hereby amended as follows:
5

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

8 xxx xxx xxx

9 **"I) INTERNET ACCESS SERVICE - A PUBLICLY AVAILABLE**
10 **ELECTRONIC COMMUNICATIONS SERVICE, WHETHER FIXED OR**
11 **MOBILE, THAT PROVIDES ACCESS TO THE INTERNET, AND**
12 **THEREBY CONNECTIVITY TO VIRTUALLY ALL END POINTS OF**
13 **THE INTERNET, IRRESPECTIVE OF THE NETWORK TECHNOLOGY**
14 **AND TERMINAL EQUIPMENT USED.**

15
16 **"K) PAID PRIORITIZATION - MEANS THE MANAGEMENT OF AN**
17 **INTERNET ACCESS SERVICE PROVIDER'S NETWORK TO**
18 **DIRECTLY OR INDIRECTLY FAVOR SOME TRAFFIC OVER OTHER**

1 **TRAFFIC, INCLUDING THROUGH THE USE OF TECHNIQUES SUCH**
2 **AS TRAFFIC SHAPING, PRIORITIZATION, RESOURCE**
3 **RESERVATION, OR OTHER FORMS OF PREFERENTIAL TRAFFIC**
4 **MANAGEMENT, EITHER: (1) IN EXCHANGE FOR**
5 **CONSIDERATION, MONETARY OR OTHERWISE, FROM A THIRD**
6 **PARTY; OR (2) TO BENEFIT AN AFFILIATED ENTITY. "PAID**
7 **PRIORITIZATION" DOES NOT INCLUDE THE PROVISION OF**
8 **TIERED INTERNET ACCESS SERVICE OR OFFERINGS TO A RETAIL**
9 **END USER."**

10
11 **SEC. 3.** Section 5 of the same Act is hereby amended as follows:

12
13 **"SEC. 4. *Responsibilities of the National***
14 ***Telecommunications Commission.*** - The National
15 Telecommunications Commission (Commission) shall be the
16 principal administrator of this Act and as such shall take the
17 necessary measures to implement the policies and objectives set
18 forth in this Act. Accordingly, in addition to its existing functions,
19 the Commission shall be responsible for the following:

20
21 "a) Adopt an administrative process which would facilitate
22 the entry of qualified service providers and adopt a pricing policy
23 which would generate sufficient returns to encourage them to
24 provide basic telecommunications **AND INTERNET ACCESS**
25 services in unserved and underserved areas;

26
27 "b) Ensure quality, safety, reliability, security, compatibility and
28 inter- operability of telecommunications facilities and services,
29 **INCLUDING ELECTRONIC COMMUNICATIONS SERVICES,**
30 in conformity with standards and specifications set by international
31 radio and telecommunications organizations to which the
32 Philippines is a signatory;

33
34 "c) Mandate a fair and reasonable interconnection of facilities of
35 authorized public network operators and other providers of
36 telecommunications services through appropriate modalities of
37 interconnection and at a reasonable and fair level of charges

1 which make provision for the cross subsidy to unprofitable local
2 exchange service areas so as to promote telephone density and
3 provide the most extensive access to basic telecommunications
4 **AND INTERNET ACCESS** services available at affordable rates to
5 the public;

6
7 "d) Foster fair and efficient market conduct through, but not
8 limited to, the protection of telecommunications entities from
9 unfair trade practices of other carriers;

10
11 "e) Promote consumers welfare by facilitating access to
12 telecommunications services whose infrastructure and network
13 must be geared towards the needs of individual and business
14 users;

15
16 "f) Protect consumers against misuse of telecommunications
17 entity's monopoly or quasi-monopolistic powers by but not
18 limited to the investigation of complaints and exacting
19 compliance with service standards from such entity; **[and]**

20
21 **"[g) In the exercise of its regulatory powers, continue to**
22 **impose such fees and charges as may be necessary to cover**
23 **reasonable costs and expenses for the regulation and**
24 **supervision of the operations of telecommunications**
25 **entities.]**

26
27 **"G) MONITOR THE EVOLUTION AND LEVEL OF RETAIL**
28 **TARIFFS OF THE TELECOMMUNICATIONS ENTITIES**
29 **IDENTIFIED IN SECTIONS 8, 9, 10 AND 11-A IN RELATION**
30 **TO NATIONAL CONSUMER PRICES AND INCOME;**

31
32 **"H) PROMOTE THE AVAILABILITY OF AFFORDABLE AND**
33 **NON-DISCRIMINATORY INTERNET ACCESS SERVICES AT**
34 **LEVELS OF QUALITY THAT REFLECT ADVANCES IN**
35 **TECHNOLOGY. FOR THESE PURPOSES, THE COMMISSION**
36 **SHALL PUBLISH AND IMPOSE REQUIREMENTS**
37 **CONCERNING TECHNICAL CHARACTERISTICS, MINIMUM**

1 **QUALITY OF SERVICE REQUIREMENTS AND OTHER**
2 **APPROPRIATE AND NECESSARY MEASURES ON**
3 **PROVIDERS OF INTERNET ACCESS SERVICES WITHIN**
4 **SIXTY (60) DAYS OF THE EFFECTIVITY OF THIS ACT, AND**
5 **WHICH SHALL BE REVIEWED AND UPDATED AT**
6 **REASONABLE INTERVALS;**

7
8 **"I) CLOSELY MONITOR AND ENSURE COMPLIANCE OF**
9 **PUBLIC TELECOMMUNICATIONS ENTITIES, INCLUDING**
10 **PROVIDERS OF INTERNET ACCESS SERVICES, WITH THE**
11 **PROVISIONS OF THIS ACT AND THE RULES AND**
12 **REGULATIONS PROMULGATED BY THE COMMISSION;**

13
14 **"J) REQUIRE PUBLIC TELECOMMUNICATIONS ENTITIES**
15 **TO PUBLISH COMPARABLE, ADEQUATE AND UP-TO-DATE**
16 **INFORMATION FOR END-USERS ON THE QUALITY OF**
17 **THEIR SERVICES. THE INFORMATION SHALL ALSO BE**
18 **SUPPLIED TO THE COMMISSION IN ADVANCE OF ITS**
19 **PUBLICATION. THE COMMISSION MAY PRESCRIBE THE**
20 **QUALITY OF SERVICE PARAMETERS TO BE MEASURED,**
21 **AND THE CONTENT, FORM AND MANNER OF**
22 **INFORMATION TO BE PUBLISHED, IN ORDER TO ENSURE**
23 **THAT END-USERS HAVE ACCESS TO COMPREHENSIVE,**
24 **COMPARABLE AND USER-FRIENDLY INFORMATION;**

25
26 **"K) HANDLE UNRESOLVED COMPLAINTS BY END-USERS**
27 **AGAINST PUBLIC TELECOMMUNICATIONS ENTITIES,**
28 **INCLUDING PROVIDERS OF INTERNET ACCESS SERVICES,**
29 **AND INVESTIGATE, TO THE EXTENT APPROPRIATE, THE**
30 **SUBJECT MATTER OF THE COMPLAINT AND INFORM THE**
31 **COMPLAINANT OF THE PROGRESS AND THE OUTCOME OF**
32 **THE INVESTIGATION WITHIN A REASONABLE PERIOD.**
33 **COMPLAINTS ARE CONSIDERED UNRESOLVED IF THE**
34 **SERVICE PROVIDER IS UNABLE TO RESOLVE THE END-**
35 **USER'S COMPLAINT WITHIN THE PERIOD PRESCRIBED IN**
36 **SECTION 20(D). THE COMMISSION SHALL PROMULGATE A**
37 **SIMPLE AND TRANSPARENT PROCEDURE FOR DEALING**

1 WITH UNRESOLVED COMPLAINTS AND SHALL FACILITATE
2 THE SUBMISSION OF SUCH COMPLAINTS BY EASILY
3 ACCESSIBLE MEASURES SUCH AS A COMPLAINT
4 SUBMISSION FORM WHICH CAN BE COMPLETED
5 ELECTRONICALLY, WITHOUT EXCLUDING OTHER MEANS
6 OF COMMUNICATION;

7
8 "L) PUBLISH AN ANNUAL REPORT REGARDING ITS
9 MONITORING AND FINDINGS, AND SUBMIT THOSE
10 REPORTS TO CONGRESS AND THE PRESIDENT THROUGH
11 THE DEPARTMENT OF INFORMATION AND
12 COMMUNICATIONS TECHNOLOGY (DICT); AND

13
14 "M) IN THE EXERCISE OF ITS REGULATORY POWERS,
15 IMPOSE AGAINST ANY PUBLIC TELECOMMUNICATIONS
16 ENTITY WITHIN THE SCOPE OF ITS REGULATION, WHICH
17 ARE FOUND TO HAVE VIOLATED, VIOLATING, OR THOSE
18 WHICH HAVE FAILED OR ARE FAILING TO COMPLY WITH
19 THE TERMS AND CONDITIONS OF THIS ACT, ANY
20 CERTIFICATE, OR ANY ORDER, DECISION OR
21 REGULATION OF THE COMMISSION, A FINE OF NOT LESS
22 THAN FIFTY THOUSAND PESOS (P50,000.00) UP TO TWO
23 MILLION PESOS (P2,000,000.00) FOR EACH VIOLATION
24 AND A SIMILAR AMOUNT OF PENALTY FOR EACH DAY
25 THEREAFTER UNTIL THE SAID ENTITY FULLY COMPLIES;
26 AND SUCH FEES AND CHARGES AS MAY BE NECESSARY TO
27 COVER REASONABLE COSTS AND EXPENSES FOR THE
28 REGULATION AND SUPERVISION OF THE OPERATIONS OF
29 TELECOMMUNICATIONS ENTITIES."

30
31 **SEC. 4.** Section 6 of the same Act is hereby amended as follows:

32
33 "SEC. 6. *Responsibilities of and Limitations to Department*
34 *Powers.* - The Department of [Transportation and
35 Communications] **INFORMATION AND COMMUNICATIONS**
36 **TECHNOLOGY** (Department) shall not exercise any power which

1 will tend to influence or effect a review or a modification of the
2 Commission's quasi-judicial functions.

3
4 "In coordination with the Commission, however, the Department
5 shall, in accordance with the policies enunciated in this Act, be
6 responsible for:

7
8 "a) the development and maintenance of a long-term strategic
9 national development plan for telecommunications to serve as a
10 guide to the industry and potential investors as well as to the
11 Commission;

12
13 "b) the coordination of research and development activities in
14 government with the work of other institutions in the field of
15 telecommunications **AND INFORMATION AND**
16 **COMMUNICATIONS TECHNOLOGY (ICT);**

17
18 "c) the representation and promotion of Philippine interests in
19 international bodies, and the negotiation of the nation's rights
20 and obligations in international telecommunications **AND ICT**
21 matters; and

22
23 "d) the operation of a national consultative forum to facilitate
24 interaction amongst the telecommunications **AND ICT** industries,
25 user groups, academic and research institutions in the airing and
26 resolution of important issues in the field of communications **AND**
27 **TECHNOLOGY."**

28
29 **SEC. 5.** Section 11 of the same Act is hereby amended as follows:

30
31 "**SEC. 11. Value-added Service Provider. – VAS SHALL BE OPEN**
32 **AND COMPETITIVE.** Provided that it does not put its own network, a
33 VAS provider need not secure a franchise, **LICENSE OR PERMIT TO**
34 **OPERATE.** A VAS provider shall be allowed to competitively offer its
35 services and/or expertise, and lease or rent telecommunications
36 equipment and facilities necessary to provide such specialized services, in

1 the domestic and/or international market in accordance with network
2 compatibility.

3
4 "Telecommunications entities may provide VAS, subject to the additional
5 requirements that:

6
7 "a) prior approval of the Commission is secured to ensure that such
8 VAS offerings are not cross-subsidized from the proceeds of their utility
9 operations;

10
11 "b) other providers of VAS are not discriminated against in rates
12 nor denied equitable access to their facilities; and

13
14 "c) separate books of accounts are maintained for the VAS.

15
16 **"FOR THE PURPOSES OF THIS ACT, INTERNET ACCESS SERVICES,
17 OTHER THAN DIAL-UP INTERNET ACCESS SERVICES, SHALL NOT
18 BE CONSIDERED VAS."**

19
20 **SEC. 6.** A new Section 11-A is hereby added to the same Act which shall read as
21 follows:

22
23 **"SEC. 11-A. *INTERNET ACCESS SERVICES.* – A PROVIDER
24 OF INTERNET ACCESS SERVICES, EXCLUDING DIAL-UP
25 INTERNET ACCESS SERVICES, SHALL:**

26
27 **A) PROVIDE UNIVERSAL INTERNET ACCESS SERVICE TO
28 ALL SUBSCRIBERS WHO APPLIED FOR SUCH SERVICE
29 WITHIN A REASONABLE PERIOD AND AT SUCH TARRIFS AS
30 TO SUFFICIENTLY GIVE IT A FAIR RETURN ON ITS
31 INVESTMENTS.**

32
33 **B) MEET SUCH MINIMUM QUALITY OF SERVICE
34 STANDARDS AS THE COMMISSION MAY SPECIFY AND
35 PUBLISH.**

1 **C) TREAT ALL TRAFFIC EQUALLY, WHEN PROVIDING**
2 **INTERNET ACCESS SERVICES, WITHOUT DISCRIMINATION,**
3 **RESTRICTION OR INTERFERENCE, AND IRRESPECTIVE OF**
4 **THE SENDER AND RECEIVER, THE CONTENT ACCESSED OR**
5 **DISTRIBUTED, THE APPLICATIONS OR SERVICES USED OR**
6 **PROVIDED, OR THE TERMINAL EQUIPMENT USED**

7
8 **THE REQUIREMENT UNDER THE FIRST SUBPARAGRAPH**
9 **SHALL NOT PREVENT PROVIDERS OF INTERNET ACCESS**
10 **SERVICES FROM IMPLEMENTING REASONABLE TRAFFIC**
11 **MANAGEMENT MEASURES. IN ORDER TO BE DEEMED TO BE**
12 **REASONABLE, SUCH MEASURES SHALL BE TRANSPARENT,**
13 **NON-DISCRIMINATORY AND PROPORTIONATE, AND SHALL**
14 **NOT BE BASED ON COMMERCIAL CONSIDERATIONS BUT ON**
15 **OBJECTIVELY DIFFERENT TECHNICAL QUALITY OF SERVICE**
16 **REQUIREMENTS OF SPECIFIC CATEGORIES OF TRAFFIC.**
17 **SUCH MEASURES SHALL NOT MONITOR THE SPECIFIC**
18 **CONTENT AND SHALL NOT BE MAINTAINED FOR LONGER**
19 **THAN NECESSARY.**

20
21 **PROVIDERS OF INTERNET ACCESS SERVICES SHALL NOT**
22 **ENGAGE IN TRAFFIC MANAGEMENT MEASURES GOING**
23 **BEYOND THOSE SET OUT IN THE SECOND SUBPARAGRAPH,**
24 **AND IN PARTICULAR SHALL NOT:**

25
26 **(1) BLOCK LAWFUL CONTENT, APPLICATIONS,**
27 **SERVICES, OR NONHARMFUL DEVICES, SUBJECT TO**
28 **REASONABLE NETWORK MANAGEMENT;**

29
30 **(2) IMPAIR OR DEGRADE LAWFUL INTERNET**
31 **TRAFFIC ON THE BASIS OF INTERNET CONTENT,**
32 **APPLICATION, OR SERVICE, OR USE OF A**
33 **NONHARMFUL DEVICE, SUBJECT TO REASONABLE**
34 **NETWORK MANAGEMENT; OR**

35
36 **(3) ENGAGE IN PAID PRIORITIZATION.**

1 **D) ENSURE THAT ANY CONTRACT WHICH INCLUDES INTERNET**
2 **ACCESS SERVICE SPECIFIES AT LEAST THE FOLLOWING:**

3
4 **(1) INFORMATION ON HOW TRAFFIC MANAGEMENT**
5 **MEASURES APPLIED BY THAT PROVIDER COULD**
6 **IMPACT ON THE QUALITY OF THE INTERNET ACCESS**
7 **SERVICES, ON THE PRIVACY OF END-USERS AND ON**
8 **THE PROTECTION OF THEIR PERSONAL DATA;**

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

15 **(3) A CLEAR AND COMPREHENSIBLE EXPLANATION OF**
16 **THE MINIMUM, NORMALLY AVAILABLE, MAXIMUM AND**
17 **ADVERTISED DOWNLOAD AND UPLOAD SPEED OF THE**
18 **INTERNET ACCESS SERVICES AND HOW SIGNIFICANT**
19 **DEVIATIONS FROM THE RESPECTIVE ADVERTISED**
20 **DOWNLOAD AND UPLOAD SPEEDS COULD IMPACT THE**
21 **EXERCISE OF THE END-USERS' RIGHTS UNDER THIS**
22 **ACT; AND**

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

31
32 **E)BE ENTITLED TO A FAIR AND EQUITABLE REVENUE**
33 **SHARING ARRANGEMENT WITH PROVIDERS OF OTHER**
34 **TELECOMMUNICATIONS SERVICES CONNECTED TO ITS**
35 **BASIC NETWORK.**

1 **SEC. 7.** Section 20 of the same Act is hereby amended as follows:
2

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

5
6 (a) Entitlement of utility service which is non-discriminatory,
7 reliable and conforming with minimum standards set by the
8 Commission;

9
10 (b) Right to be given the first single-line telephone connection or
11 the first party-line connection **OR FIXED INTERNET ACCESS**
12 **CONNECTION** within two (2) months of application for service,
13 against deposit; or within three (3) months after targeted
14 commencement of service in the barangay concerned per the original
15 schedule of service expansion approved by the Commission, whichever
16 deadline comes later;

17
18 (c) Regular, timely and accurate billing, courteous and efficient
19 service at **[utility] THE SERVICE PROVIDER'S** business offices and
20 by **[utility] ITS** company personnel, **PROMPT CORRECTION OF**
21 **ERRORS IN BILLING, AND PROVISION OF REBATES AND**
22 **REFUNDS WITHIN FIFTEEN (15) DAYS OF DISCOVERY OF THE**
23 **ERROR; [and]**

24
25 (d) Thorough and prompt investigation of, and action upon
26 complaints. The **[utility] SERVICE PROVIDER** shall **PUT IN PLACE**
27 **TRANSPARENT, SIMPLE AND EFFICIENT PROCEDURES TO**
28 **ADDRESS COMPLAINTS OF END-USERS AND** endeavor to allow
29 **SUCH** complaints to be received over the telephone **OR**
30 **ELECTRONICALLY THROUGH THE SERVICE PROVIDER'S**
31 **WEBSITE, E-MAIL OR SMS,** and shall keep a record of all written or
32 phoned-in complaints. **THE SERVICE PROVIDER MUST**
33 **ACKNOWLEDGE A COMPLAINT RECEIVED ELECTRONICALLY**
34 **WITHIN TWO (2) WORKING DAYS. IN ALL INSTANCES, THE**
35 **SERVICE PROVIDER SHALL ENDEAVOR TO RESOLVE A**
36 **COMPLAINT ON FIRST CONTACT AND NO LATER THAN FIFTEEN**
37 **(15) WORKING DAYS FROM RECEIPT OF THE COMPLAINT;**

1 **(E) RIGHT TO PROTECTION OF PERSONAL INFORMATION.**
2 **SERVICE PROVIDERS MAY PROCESS PERSONAL DATA OF END-**
3 **USERS ONLY IF SUCH PROCESSING IS NECESSARY AND**
4 **PROPORTIONATE FOR THE PURPOSE OF EVALUATING THE**
5 **END-USER'S SERVICE APPLICATION OR OTHER REQUESTS;**
6 ***PROVIDED THAT,* ANY SUCH PROCESSING SHALL COMPLY**
7 **WITH REPUBLIC ACT NO. 10173, OTHERWISE KNOWN AS THE**
8 **"DATA PRIVACY ACT OF 2012";**

9
10 **(F) RIGHT TO BE INFORMED OF ALL TERMS AND**
11 **CONDITIONS RELEVANT TO THE SERVICE AND BE PROTECTED**
12 **AGAINST UNREASONABLE CHARGES. THE SERVICE PROVIDER**
13 **SHALL IMMEDIATELY PROVIDE THE END-USER A COPY OF THE**
14 **CONTRACT, IN WRITTEN OR ELECTRONIC FORM, SPECIFYING**
15 **ALL THE TERMS AND CONDITIONS OF SERVICE. THE END-**
16 **USER CAN ONLY BE CHARGED ACCORDING TO THE RATES,**
17 **TERMS AND CONDITIONS HE/SHE HAS AGREED TO. THE END-**
18 **USER SHALL NOT BE CHARGED FOR THE TIME DURING WHICH**
19 **A CONTINUING OR CONTINUOUS SERVICE WAS INTERRUPTED**
20 **THROUGH NO FAULT OF THE SUBSCRIBER;**

21
22 **(G) RIGHT TO OPT-OUT. EXCEPT FOR PREPAID**
23 **SERVICES, THE END-USER SHALL HAVE THE RIGHT TO OPT-**
24 **OUT FROM A SERVICE WITHOUT A PENALTY WITHIN THIRTY**
25 **(30) DAYS FROM THE START OR COMMENCEMENT THEREOF.**
26 **END-USERS SHALL HAVE A RIGHT TO WITHDRAW FROM**
27 **THEIR CONTRACTS WITHOUT PENALTY UPON NOTICE OF**
28 **PROPOSED MODIFICATIONS IN THE CONTRACTUAL**
29 **CONDITIONS. END-USERS SHALL BE GIVEN ADEQUATE**
30 **NOTICE, NOT SHORTER THAN THIRTY (30) DAYS, AHEAD OF**
31 **ANY SUCH MODIFICATIONS AND SHALL BE INFORMED AT THE**
32 **SAME TIME OF THEIR RIGHT TO WITHDRAW, WITHOUT**
33 **PENALTY, FROM SUCH CONTRACTS, IF THEY DO NOT ACCEPT**
34 **THE NEW CONDITIONS.**

35
36 **(H) END-USERS SHALL HAVE THE RIGHT TO ACCESS AND**
37 **DISTRIBUTE INFORMATION AND CONTENT, USE AND**

1 **PROVIDE APPLICATIONS AND SERVICES, AND USE TERMINAL**
2 **EQUIPMENT OF THEIR CHOICE, IRRESPECTIVE OF THE END-**
3 **USER'S OR PROVIDER'S LOCATION OR THE LOCATION,**
4 **ORIGIN OR DESTINATION OF THE INFORMATION, CONTENT,**
5 **APPLICATION OR SERVICE, VIA THEIR INTERNET ACCESS**
6 **SERVICE.**

7
8
9 **SEC. 8.** All laws, presidential decrees, executive orders and rules and regulations
10 or part thereof, contrary to, or inconsistent with the provisions of this Act, are hereby
11 repealed or modified accordingly.

12
13 **SEC. 9.** Should any provision of this Act be found unconstitutional by a court of
14 law, such provision shall be severed from the remainder of this Act, and such action
15 shall not affect the enforceability of the remaining provisions of this Act.

16
17 **SEC. 10.** This Act shall take effect fifteen (15) days after its complete publication
18 in any two (2) national newspapers of general circulation.

19
20 Approved,
21