



HOUSE OF REPRESENTATIVES

H. No. 9057

BY REPRESENTATIVES PINEDA, ROMERO, REVILLA, TAMBUNTING, YAP (V.), PENA, BENITEZ, ARENAS,
VIOLAGO, CABREDO, LACSON, BORDADO, TIANGCO, NOLASCO, GARCIA (J.E.), SALCEDA,
GONZALES (A.) AND NIETO, PER COMMITTEE REPORT NO. 881

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:

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

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

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

- 7 *a. Data Capping* refers to the limit of bandwidth allocation an internet service providers
8 (ISP) is offering to its subscriber per day, week, or month;
- 9 *b. Internet Data Package* refers to the internet service packages, plans or promos offered by
10 ISPs with maximum limits on the open access data volume an end user may avail per set
11 period of the package;
- 12 *c. Internet Service Provider* refers to any service-based operator whose services involve the
13 combination of computer processing, information storage, protocol conversion, and
14 transmission to enable subscribers to access internet content and services as well as
15 multimedia services and its transmission of data through digital subscriber line (DSL),
16 fixed wireless broadband, cable broadband, fiber-optic or fiber-to-the-home (FTTH) and
17 mobile data to enable subscribers to access internet content and services, as well as
18 multimedia services;

1 *d. Offer Duration* refers to the length of time a subscriber or user is allowed to use an internet
2 data package service and promos;

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

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

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

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

10 **a.** For postpaid subscribers or users:

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

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

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

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

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

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

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

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

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

32 **SEC. 8. Implementing Rules and Regulations.** – Within sixty (60) days from the effectivity of
33 this Act, the Secretary of the Department of Information and Communications Technology
34 (DICT), in coordination with the National Telecommunications Commission (NTC) and other

1 concerned agencies, shall promulgate the rules and regulations and other issuances as may be
2 necessary to ensure the effective implementation of this Act.

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

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

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

11 Approved,