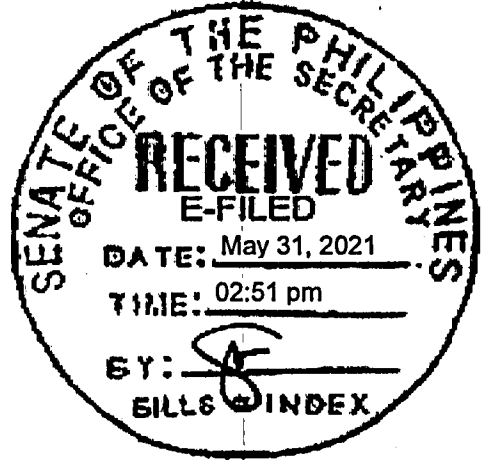


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

SENATE
S. No. 2246



Introduced by SENATOR RAMON BONG REVILLA, JR.

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

EXPLANATORY NOTE

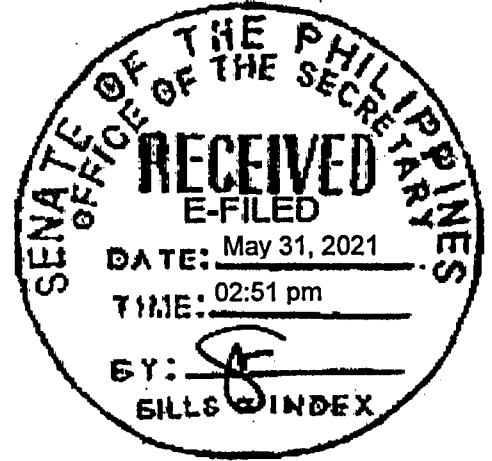
In this age of digital transactions, internet connectivity becomes more of a need rather than a want. Various basic activities and relations are now becoming internet-based. Education and work are now home-based and online. Even grocery-shopping and marketing can be done through internet. Going to mass and attending religious activities and worships are also now done online. Family gatherings and other social celebrations are done online. Almost everything can now be accomplished online. Especially now during the worldwide pandemic, the need for online transactions is highlighted.

In consideration of the interests of the larger majority who depends on the internet for their various activities, this bill seeks to mandate the roll-over of unused internet data allocation depending on applicable Internet Data Packages which shall be carried over to the following day, week or month until it is fully consumed. This will help various sectors of the society who purchase different internet data packages, especially those who do not fully consume the allocations of their package.

This proposal is a step towards the promotion of the welfare of the digital community, in particular, and the whole Filipino community, in general. Thus, consideration of this proposal is earnestly sought.


RAMON BONG REVILLA, JR.

EIGHTEENTH CONGRESS OF THE)
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SENATE
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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 Congress assembled:

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

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

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

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

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

14 **c. Internet Service Provider** refers to any service-based operator whose services
15 involve the combination of computer processing, information storage, protocol

1 conversion, and transmission to enable subscribers to access internet content
2 and services as well as multimedia services and its transmission of data through
3 digital subscriber line (DSL), fixed wireless broadband, cable broadband, fiber-
4 optic or fiber-to-the-home (FTTH) and mobile data to enable subscribers to
5 access internet content and services, as well as multimedia services;

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

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

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

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

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

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

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

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

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

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

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

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

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

- 5 a. A fine of Fifty thousand pesos (₱ 50,000.00) per violation per
6 subscriber; and
- 7 b. For repeated violations, aside from fine, revocation or cancellation
8 of the license, registration or franchise of an ISP including the
9 waiving of any pre-termination fees of affected subscriber.

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

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

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

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

24 Approved,
25