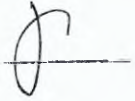


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

Senate
Office of the Secretary

'22 JUL 12 A10 :30

SENATE
S. No. 329



Introduced by Senator Grace Poe

AN ACT
REQUIRING ALL PUBLIC TELECOMMUNICATIONS ENTITIES AND INTERNET
SERVICE PROVIDERS IN THE COUNTRY TO INCREASE SERVICE COVERAGE
AND DELIVER A MINIMUM STANDARD FOR INTERNET CONNECTION SPEED

EXPLANATORY NOTE

In 2016, the United Nations Human Rights Council has passed a non-binding resolution that declared Internet access a human right.¹ It affirmed the promotion, protection, and enjoyment of human rights on the Internet which enables individuals to "exercise their right to freedom of opinion and expression."² Such resolution reflects the rapid Internet revolution happening in many countries, and humankind's growing reliance on the Internet for a multitude of activities.

It is indeed true that the Internet can make or break one country. Having fast and accessible Internet connection could energize local businesses and trade, not to mention build bridges between the government and the public. However, despite the increasing importance of the Internet in our daily lives, the Philippines remains to be a laggard when it comes to Internet access.

¹ Vincent, James (2016). "UN condemns internet access disruption as a human rights violation". The Verge. Retrieved 20 October 2016.

² The Promotion, Protection, and Enjoyment of Human Rights on the Internet - UN General Assembly Resolution (2018), documents-ddsnv.un.org/doc/UNDOC/GEN/G18/215/67/PDF/G1821567.pdf?OpenElement. Retrieved 22 June 2022.

It was recently reported that 32% of the total population of the Philippines or almost 35 million Filipinos did not use the Internet at the start of the year 2022.³ Meanwhile, according to Ookla Speedtest Global Index Rankings, the Philippines ranks 93rd rank for mobile speed and 60th for fixed broadband speed for March 2022.⁴ Our country's rankings become all the more bleak when compared to the rankings of our Southeast Asian neighbors such as Singapore and Thailand which ranked way higher in the same lists.

These figures are not good enough. They will not do if we want to achieve progress and technological breakthroughs in the country. It is thus against this backdrop that I am filing this measure which requires all public telecommunication entities (PTEs) and Internet service providers (ISPs) in the Philippines to increase service coverage and deliver a minimum standard for Internet connection speed.

Under this bill, the National Telecommunications Commission (NTC) shall require all ISPs and PTEs to extend and expand the service coverage of fixed and mobile Internet service in all unserved and underserved areas in the Philippines within three years from its effectivity.

The bill is also cognizant of the importance of high-speed Internet connections in fostering growth and productivity in various industries of the country, especially in education. Hence, it encourages PTEs and ISPs to provide a higher Internet speed to their subscribers, which, in no case shall be less than: 10 Megabits per second (Mbps) for fixed broadband and 5 Mbps for mobile broadband in highly urbanized cities; 5 Mbps for fixed broadband and 3 Mbps for mobile broadband services in all other cities; and 3 Mbps for fixed broadband and 2 Mbps for mobile broadband services in rural areas.

³ Datareportal. "DIGITAL 2022: THE PHILIPPINES," [datareportal.com/reports/digital-2022-philippines#:~:text=There%20were%2076.01%20million%20internet,percent\)%20between%202021%20and%202022](https://datareportal.com/reports/digital-2022-philippines#:~:text=There%20were%2076.01%20million%20internet,percent)%20between%202021%20and%202022). Retrieved 22 June 2022.

⁴ Lalu, Gabriel Pabico (2022). "Ookla Q1 report shows faster PH internet; Caloocan tops in download speeds, technology.inquirer.net/115922/ookla-q1-report-shows-faster-ph-internet-caloocan-tops-major-cities-in-download-speeds#ixzz7XQBgsWec." Retrieved 22 June 2022.

Finally, in order to ensure that the measure's goals are achieved and strictly enforced, it directs the NTC to review and prescribe, on an annual basis, minimum broadband download speeds and other quality of service standards, to provide subscribers average Internet connection speeds equal to, or above, what is prevalent among Asia Pacific countries and the global average.

Ensuring all Filipinos' access to a fast Internet connection is not only an option if we want our country and its citizens to be competitive. It should be a priority. In view of the foregoing, immediate approval of this bill is earnestly sought.


GRACE POE
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**AN ACT
REQUIRING ALL PUBLIC TELECOMMUNICATIONS ENTITIES AND INTERNET
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AND DELIVER A MINIMUM STANDARD FOR INTERNET CONNECTION SPEED**

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

1 Section 1. *Short Title.* – This Act shall be known as the “Better Internet Act”.

2 Sec. 2. *Declaration of Policy.* – The State recognizes the importance of
3 technological advancements in nation building, economic development, and promoting
4 people’s well-being and as such, it endeavors to ensure the provision of strategic,
5 reliable, cost-efficient, and citizen-centric information and communication technology
6 (ICT) infrastructure, systems, and resources to guarantee that the population has
7 access to quality, reliable, and affordable ICT services.

8 In line with this, the State shall ensure that all Public Telecommunications
9 Entities (PTEs) and Internet Service Providers (ISPs) will continuously upgrade their
10 facilities and improve their services to be responsive to the growing demand for quality
11 Internet access services.

12 Sec. 3. *Definition of Terms.* – As used in this Act, the following terms are defined
13 as follows:

14 a. *Bandwidth* shall refer to the maximum data transfer rate over an Internet
15 connection in a given amount of time expressed in bits per second or multiples
16 of it;

17 b. *Broadband* shall refer to high-speed Internet service that is always on and
18 faster than traditional dial-up access transmitted through various wired or

- 1 wireless data transmission technologies such as, but not limited to, digital
2 subscriber line (DSL), cable modem, fiber optic cable, fixed wireless, satellite,
3 cellular mobile, and TV white space;
- 4 c. *Cellular towers* shall refer to passive telecommunication tower infrastructure,
5 including, but not limited to, (i) three-legged or four-legged structure, (ii) poles,
6 or (iii) mast, or (iv) similar infrastructure used to support mobile cellular
7 network facilities;
- 8 d. *Compliance period* shall refer to the first three (3) years from the effective date
9 of this Act within which all ISPs and PTEs are required to extend and expand
10 Internet service coverage in all unserved and underserved areas in the country;
- 11 e. *Internet Service Providers* or *ISPs* shall refer to an entity, with or without
12 Congressional franchise, registered as value added service provider from the
13 National Telecommunications Commission (NTC) and authorized to offer
14 Internet access services to the public for compensation;
- 15 f. *Jitter* shall refer to the variation of end-to-end delay from one packet to the
16 next within the same packet stream, connection, or flow;
- 17 g. *Latency* shall refer to the time it takes for a packet of data to get from a source
18 to destination;
- 19 h. *Packet* shall refer to the unit of data that is routed between an origin or source
20 and a destination on the Internet or any other packet-switched network;
- 21 i. *Packet Loss* shall refer to the number of packets that does not reach the
22 destination;
- 23 j. *Public Telecommunications Entity* or *PTEs* shall refer to any person, firm,
24 partnership or corporation, government or private, engaged in the provision of
25 telecommunications services to the public for compensation;
- 26 k. *National ICT Household Plan* refers to the plan for the improvement of ICT
27 access and use, including broadband access, by households and individuals
28 developed by the Department of Information Communications Technology
29 (DICT) on the basis of information gathered from the National ICT Household
30 Survey;
- 31 l. *Threshold Speed* refers to the minimum upload and download speeds that an
32 ISP and PTE must provide to their end user of broadband service;

1 m. *Unserved Area* refers to a specific population or land area of a city/municipality
2 where broadband access service is not available, as identified by the National
3 ICT Household Plan; and

4 n. *Underserved Area* refers to a specific population or land area of a
5 city/municipality where broadband access service is covered and available, but
6 below the threshold speed. The underserved areas shall be identified by the
7 National ICT Household Plan while the threshold speed shall be determined by
8 this Act and, subsequently, by the NTC.

9 **Sec. 4. *Increase in Service Coverage.*** – The NTC shall require all ISPs and PTEs
10 to extend and expand the service coverage of fixed and mobile Internet service in all
11 unserved and underserved areas in the Philippines within three (3) years from the
12 effective date of this Act (the “Compliance Period”), according to the schedule and
13 strategy to be set forth by the DICT in the National ICT Household Plan.

14 The DICT shall develop the National ICT Household Plan, identify therein
15 unserved and underserved areas in the Philippines and devise a plan of action to
16 ensure Internet services shall be made available at the household level. The DICT
17 shall make such information and plans public within sixty (60) days from the effective
18 date of this Act: *Provided*, that subject to regulatory requirements, ISPs shall be
19 allowed to own, establish, and operate wired and wireless networks, utilizing any
20 available technology, in order to meet their obligations under this Act. ISPs shall be
21 allowed access to unlicensed radio spectrum necessary to enable them to utilize
22 wireless technologies to provide Internet service: *Provided further*, that ISPs shall not
23 build international carrier, inter-exchange carrier, local exchange carrier, and mobile
24 radio telephone networks reserved for PTEs, as provided for in Republic Act No. 7925,
25 otherwise known as the Public Telecommunications Policy Act of the Philippines.

26 **Sec. 5. *Delivery of services and setting of minimum Internet speed.*** – PTEs and
27 ISPs are strongly encouraged to provide a higher Internet speed to their subscribers
28 but in no case shall the minimum download speed of any paid broadband service be
29 less than:

30 a. 10 Megabits per second (Mbps) for fixed broadband and 5 Mbps for mobile
31 broadband in highly urbanized cities;

- 1 b. 5 Mbps for fixed broadband and 3 Mbps for mobile broadband services in all
2 other cities; and
3 c. 3 Mbps for fixed broadband and 2 Mbps for mobile broadband services in rural
4 areas.

5 PTEs and ISPs shall have three (3) years from the effectivity of this Act to
6 ensure that they provide the minimum download speed to their users; *Provided* that
7 PTEs and ISPs that will expand coverage and offer internet services in “greenfield
8 service areas” or previously unserved and underserved areas, as identified by the
9 DICT, shall not be subjected to the minimum download speed for the next 5 years.

10 At the end of each compliance period, it shall be considered a violation of this
11 Act, subject to the penalties provided in Section 14 hereof, to offer paid Internet
12 service below the threshold speed. For the avoidance of doubt, there shall be no
13 minimum speed required for free Internet service: *Provided*, however, that service
14 provided under Republic Act No. 10929 or the Free Internet Access in Public Places
15 Act shall meet the minimum speeds prescribed therein or in the relevant rules of the
16 DICT for free Internet service programs.

17 *Sec. 6. Annual Review of Service Standards.* – After each compliance period,
18 the NTC shall review and prescribe, on an annual basis, minimum broadband download
19 speeds and other quality of service standards, such as upload and download speeds,
20 packet loss, jitter, latency, and service availability, to provide subscribers average
21 Internet connection speeds equal to, or above, what is prevalent among Asia Pacific
22 countries and the global average: *Provided*, that the NTC shall not decrease the
23 minimum speeds set forth under this Act.

24 *Sec. 7. Measurement and Publication of Broadband Quality of Service (QOS).* –
25 In order to monitor and enforce compliance of PTEs and ISPs, the NTC shall:

- 26 a. Prescribe a criteria and methodology for the measurement and publication of
27 broadband quality of service, including parameters such as download speed,
28 upload speed, latency, packet loss, jitter, and service availability, with
29 appropriate benchmarks;
30 b. Provide the public a mechanism to run broadband diagnostics in a secure and
31 consumer-friendly format;

- 1 c. Develop a procedure for collecting and analyzing broadband QOS
2 measurements from various platforms and processing test data in a central
3 database, which shall update and release results every 24 hours, at the least;
4 d. Make publicly available on the NTC website and other media the criteria and
5 methodology for the broadband QOS measurement tool and the list of
6 platforms using the NTC-prescribed broadband measurement mechanism;
7 e. Diligently monitor and conduct monthly network audits and/or QOS tests in
8 order to ensure compliance of the PTEs and ISPs with threshold speeds,
9 advertised speeds, and coverage obligations, and publish its network audit
10 report on a monthly basis; and
11 f. Publish the results of the NTC's broadband QOS tests and the results of the
12 consumer broadband QOS tests on a monthly basis. Such reports should be in
13 a format that can easily be analyzed by third party data scientists.

14 *Sec. 8. Responsibilities of the DICT.* – In addition to responsibilities imposed in
15 other sections of this Act, the DICT shall:

- 16 a. Maintain and make public a National ICT Assets Index (NICTAI), which shall be
17 updated on an annual basis, in order to provide accurate data on broadband
18 coverage and ICT adoption and utilization in the country;
19 b. Conduct the National ICT Household Survey and publish the National ICT
20 Household Plan every three (3) years, and identify unserved and underserved
21 areas for purposes of this Act;
22 c. Regularly review and update ICT policy guidelines, strategies and plans,
23 including, but not limited to, the National Broadband Plan to ensure that the
24 Philippines' Internet service policy framework is at par with global standards
25 and best practices; and
26 d. Ensure the delivery of Internet services at the household level through a
27 schedule and plan of action that includes, but is not limited to, infrastructure
28 sharing and co-location arrangements;

29 *Sec. 9. Responsibilities of the NTC.* – In addition to responsibilities imposed in
30 other sections of this Act, the NTC shall:

- 1 a. Ensure that PTEs and ISPs meet the minimum standards regarding connection,
2 reception, just pricing, and billing practices to promote and protect the rights
3 of consumers of Internet services;
- 4 b. Determine whether the ICT industry has built out the optimal number of towers
5 and other infrastructure necessary to meet the objectives of this law;
- 6 c. Promulgate an efficient and expeditious administrative process for the
7 registration of Internet service providers and shall, in coordination with the
8 DICT, develop a set of criteria for qualifying service providers that will
9 encourage the widest possible participation of as many industry players as
10 possible who will build the necessary network infrastructure and offer Internet
11 services to end users in different parts of the country and will take national
12 security into consideration, particularly for facilities that interface directly with
13 another country's domestic network;
- 14 d. Publish a spectrum management policy framework that promotes a
15 transparent, efficient, and equitable approach to distributing spectrum,
16 including clear guidelines for: (i) recalling unutilized spectrum, (ii) reassigning
17 spectrum for more efficient use, and (iii) implementing an open frequency
18 approach to expand Internet access in underserved and unserved areas, to be
19 developed together with the DICT and the Philippine Competition Commission;
- 20 e. Provide the public with annual reports on the performance of PTEs and ISPs in
21 terms of increasing Internet coverage and meeting the threshold download
22 speeds;
- 23 f. Provide policies and standards of network elements to ensure that PTEs and
24 ISPs will maintain the Quality of Service (QOS) of the Internet connection they
25 provide to their respective area of coverage;
- 26 g. Provide for an expeditious mechanism to address consumer complaints on slow
27 Internet speed and false advertising of Internet speeds; and,
- 28 h. Establish an efficient monitoring system or framework with regard to the PTEs
29 and ISPs' management of consumer complaints and maintain records of
30 subscribers' complaints.

1 Sec. 10. *Reports to Congress.* – The DICT and NTC shall submit a quarterly
2 progress report to Congress of all acts performed pursuant to this Act during the first
3 week of the immediately preceding quarter.

4 Sec. 11. *Streamlining Permitting Requirements.* – The DICT and other relevant
5 regulatory agencies including, but not limited to, the Department of Interior and Local
6 Government (DILG), Department of Public Works and Highways (DPWH), Department
7 of Human Settlements and Urban Development (DHSUD), Anti-Red tape Authority
8 (ARTA), Civil Aviation Authority of the Philippines (CAAP), Department of Health
9 (DOH), and the Food and Drug Administration (FDA) shall ensure the streamlining of
10 the permitting process for the construction, installation, and operation of
11 telecommunications tower and other infrastructure such as, but not limited to, permits
12 for base stations, cables, poles, and other work elements necessary to offer Internet
13 service.

14 The DICT shall set up a *one-stop* shop that shall coordinate with other
15 regulatory agencies regarding the permitting requirements and applicable regulatory
16 fees for installing common towers, cables, poles, and other network elements in order
17 to facilitate the attainment of the objectives of this Act.

18 Sec. 12. *Local Government Units (LGUs) as Partners in Broadband*
19 *Infrastructure Development.* – The LGU shall serve as a strategic partner who shall
20 ensure that all LGU-related permits and requirements necessary to expand Internet
21 coverage and improve quality of Internet service shall be acted upon immediately. In
22 order to ensure that all municipalities and barangays have access to Internet facilities,
23 an LGU shall be allowed to build and operate its own broadband network in partnership
24 with PTEs and ISPs.

25 Sec. 13. *Infrastructure Sharing and Co-location.* –

26 a. The DICT shall promulgate policies, rules, and regulations, in coordination
27 and/or jointly with the concerned national government agencies, government
28 owned and operated corporations, and local government units, to ensure that
29 infrastructure, whether existing or built in the future, necessary or capable of
30 supporting data transmission networks or services are:

31 i. mandatory for open access and made available for co-location and co-
32 use by the owner of network facilities, equipment, and infrastructure on

- 1 an open, fair, and non- discriminatory basis to any access seeker's
2 network facilities;
- 3 ii. as far as possible, deployed together with roadworks, pipe-laying, and
4 other infrastructure development by both government and private
5 entities; and
- 6 iii. propagated in the most cost-efficient and timely manner through various
7 means, including encouraging the operation of independent entities that
8 build and operate towers, dark fiber, and utility corridors, among other
9 infrastructure that help facilitate broadband network deployment.
- 10 b. The DICT shall, in coordination with the Philippine Competition Commission and
11 other relevant government agencies, promulgate policies, rules, and
12 regulations to ensure that buildings, condominiums, villages, towns, and
13 subdivisions are all built with facilities, such as cable entrances, ducts, and
14 risers, that allow non-discriminatory and non-exclusive access to multiple
15 service providers, in order for PTEs and ISPs to provide Internet service;
- 16 c. In case of a dispute arising from a infrastructure-sharing arrangement, the
17 DICT shall:
- 18 i. Coordinate with the regulator of the infrastructure;
- 19 ii. Mediate between a PTE or ISP and an infrastructure owner, which may
20 include a PTE, an ISP, or a public service network provider; and/or
- 21 iii. Serve as the primary enforcer of this provision.
- 22 d. The DICT shall encourage the use of existing infrastructure, such as those of
23 cable TV operators, to fast track the layout of networks, to increase coverage,
24 and to address the problem of unserved and underserved areas;
- 25 e. The regulator of the shared infrastructure shall, in consultation with concerned
26 stakeholders, determine and ensure reasonable rental rates for use of shared
27 infrastructure such as, but not limited to, utility poles, utility corridors and
28 ducts; and
- 29 f. For shared infrastructure arrangements, the DICT shall also look into the
30 following considerations:
- 31 i. Technical feasibility of the request of access seeker to use infrastructure;
- 32 ii. Incentives to encourage investment in less commercially viable areas;

1 Sec. 16. *Separability Clause.* – If any portion or provision of this Act is declared
2 unconstitutional, the remainder of this Act or any provisions not affected thereby shall
3 remain in force and effect.

4 Sec. 17. *Repealing Clause.* – Any law, presidential decree or issuance, executive
5 order, letter of instruction, rule or regulation inconsistent with the provisions of this
6 Act is hereby repealed or modified accordingly.

7 Sec. 18. *Effectivity.* – This Act shall take effect fifteen (15) days following its
8 publication in the Official Gazette or in a newspaper of general circulation.

Approved,