



HOUSE OF REPRESENTATIVES

H. No. 6

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AN ACT
PROMOTING OPEN ACCESS IN DATA TRANSMISSION AND PROVIDING
ADDITIONAL POWERS TO THE NATIONAL TELECOMMUNICATIONS
COMMISSION

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

CHAPTER I

INTRODUCTORY PROVISIONS

SECTION 1. *Short Title.* – This Act shall be known as the “Open Access in Data
Transmission Act”.

SEC. 2. *Declaration of Policy.* – It is the policy of the State to narrow the digital divide
in the country by encouraging the development of data transmission infrastructure and
removing any barrier to competition in data transmission services. Moreover, the State shall
implement measures to require data transmission service providers to adhere to
telecommunications standards suitable to the needs and aspirations of the nation and ensure
that internet users enjoy the best quality of data transmission service. The State shall:

(a) Promote the construction and development of reliable, affordable, open and accessible
data networks that transmit information at speed and quality comparable to the best in the
world;

(b) Create an entrepreneurial ecosystem where persons who wish to engage in the data
transmission industry can compete openly and freely in the spirit of fair competition and
permission-less innovation;

(c) Encourage investments in the digital infrastructure development in the country;

(d) Adopt and ensure open access in the regulation of the data transmission industry;

(e) Protect the public interest as it is affected by its ability to access data networks;

1 (f) Establish a strong and independent regulatory body and system to ensure and
2 enhance fair competition in the data transmission industry;

3 (g) Protect and promote the internet as an open platform enabling consumer choice,
4 freedom of expression, end user control, competition and the freedom to innovate without
5 permission, and thereby encouraging the development of advanced telecommunications
6 capabilities and the removal of barriers to infrastructure investment;

7 (h) Encourage infrastructure sharing and co-location in order to promote network
8 investment, eliminate the uneconomic duplication of infrastructure facilities, and strengthen
9 competition; and

10 (i) Ensure efficient and transparent management of the radio frequency spectrum,
11 especially those utilized in the delivery of data transmission services.

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

13 (a) *Basic telephone service* refers to the local exchange telephone service for residence and
14 business establishments provided via the circuit switched telephone network;

15 (b) *Cellular Mobile Telephone Service (CMTS)* refers to the wide area mobile radio
16 telephone system with its own switch, base stations and transmission facilities capable of
17 providing high capacity mobile telecommunications by utilizing radio frequencies;

18 (c) *Content* refers to, among others, texts, images, audios, videos, and animations that are
19 carried over the broadband/internet network;

20 (d) *Core or Backbone Network* refers to the main line, including international connection,
21 that ties networks, delivers routes to exchange information among various subnetworks,
22 connects regional distribution networks and, in some instances, provides connectivity to other
23 peer networks;

24 (e) *Data transmission* refers to the process of sending digital or digitized analog signal over
25 a communication medium to one or more computing networks, communication or electronic
26 devices. It enables the transfer and communication of devices in a point-to-point, point-to-
27 multipoint and multipoint-to-multipoint environments. The term data transmission includes
28 the provision of Voice over Internet Protocol (VoIP) services but does not include the provision
29 of basic telephone services;

30 (f) *Data transmission industry participant* refers to any person, firm, partnership or
31 corporation, government or private, engaged in the provision of data transmission services to
32 the public. This includes public telecommunications entities (PTEs) that offer data transmission
33 services as defined under Republic Act (RA) No.7925, otherwise known as the “Public
34 Telecommunications Policy Act of the Philippines”;

35 (g) *International gateway or landing* refers to a segment of data transmission that consists
36 of any facility that provides an interface to send and receive data traffic between one country’s
37 domestic network facilities and those in another country;

1 (h) *Last mile* refers to the segment of data transmission network that connects end users;

2 (i) *Middle mile* refers to the segment of data transmission network that links the last mile
3 network to the core or backbone network;

4 (j) *Open access* refers to the system of allowing the use of data transmission or distribution
5 systems and associated facilities subject to fair, reasonable, and non-discriminatory terms in a
6 transparent market;

7 (k) *Paid prioritization* refers to the management of a data transmission network to directly
8 or indirectly favor some traffic over other traffic, through the use of techniques such as traffic
9 shaping, prioritization, resource reservation, zero-rating, or other forms of preferential traffic
10 management, either in exchange for consideration (monetary or otherwise) from a third party,
11 or to benefit an affiliated entity;

12 (l) *Voice over Internet Protocol (VoIP) service* refers to the provision of voice communication
13 using Internet Protocol (IP) technology; and

14 (m) *Passive infrastructure* collectively refer to telecommunication towers, poles, cable
15 entrances, ducts, utility corridors, and any other non-electronic infrastructure and facilities,
16 either existing or to be deployed in the future, that may be used to support data transmission.

17 CHAPTER II

18 ORGANIZATION AND OPERATION OF THE DATA TRANSMISSION INDUSTRY

19 **SEC. 4. Scope.** – This Act applies to all persons who participate in the data transmission
20 industry. Any person or entity whose business deals substantially with the transmission of data,
21 including VoIP service provider, internet service providers (ISPs), and data center service
22 providers, shall be governed by the provisions of this Act. PTEs that are principally engaged in
23 the provision of basic telephone services, such as an international carrier, interexchange carrier,
24 local exchange operator, and mobile radio services provider, as defined in Republic Act No. 7925,
25 and which also provide data transmission services, shall likewise be subject to the provisions of
26 this Act with respect to the data transmission services they provide and the interconnection to
27 their networks that they extend to data transmission industry participants.

28 **SEC. 5. Registration and Certification.** – All segments of the data transmission
29 network shall be competitive and open. Notwithstanding the provisions of this Act or any other
30 law, the following registration and certification shall apply to data transmission:

31 (a) All data transmission industry participants shall be required to register with the
32 National Telecommunications Commission (NTC). The NTC shall promulgate a speedy and
33 expeditious administrative process for registration and shall, in coordination with the
34 Department of Information and Communications Technology (DICT), for policy and standard-
35 setting in the Information and Communications Technology (ICT) sector, and Philippine
36 Competition Commission (PCC) for the promotion of market competition, develop a set of
37 criteria for qualifying data transmission industry participants that will encourage the widest

1 possible participation of as many industry players as possible who will offer data transmission
2 services in all segments of the network and to end users in different parts of the country. The
3 qualification requirements for data transmission industry participants shall also take national
4 security concerns into consideration, particularly for facilities that interface directly with
5 another country's domestic network;

6 (b) Those who will operate an international cable landing station shall secure a
7 legislative franchise. Those who will operate a nationwide backbone network shall secure a
8 permit from the NTC and submit its proposed route or rollout plan, as well as the manner of
9 construction of the backbone network, subject to the approval of the NTC.

10 All other industry participants shall not be required to secure a legislative franchise or a
11 certificate of public convenience and necessity (CPCN) but must meet the criteria set by the
12 NTC and the DICT in registering as industry participants in order to construct, operate, lease
13 or own networks or facilities except if it owns and operates an international cable landing
14 station: *Provided*, That an owner or operator of a cable landing station, not considered a public
15 utility, shall no longer be required to secure a CPCN. All industry participants intending to be
16 spectrum holders shall need to secure a permit from the NTC and shall be allocated such
17 spectrum in accordance with the provisions under Section 7 of this Act;

18 (c) Data transmission industry participants shall likewise be required to comply with
19 national and global best practices and standards on cybersecurity and shall be subject to a
20 network audit by the Cybersecurity Bureau of the DICT. Data transmission industry
21 participants shall, after three (3) years of operation, be required to secure a cybersecurity
22 certification from a third-party organization based on the prevailing International Organization
23 for Standardization (ISO) standards on information security management; and

24 (d) Provisional authorities (PA), certificate of public convenience and necessity (CPCN),
25 or certificates of registration issued by the NTC prior to the effectivity of this Act shall be
26 deemed valid without necessity of revalidation or reissuance until the date of expiration as
27 stated in such certificates or other documents, and until the expiration of such certificates shall
28 be deemed compliant with the qualification requirements for data transmission industry
29 participants under this Section and other regulations issued pursuant hereto.

30 CHAPTER III

31 REGULATION OF THE DATA TRANSMISSION INDUSTRY

32 SEC. 6. *Open Access Approach to Regulation of the Data Transmission Industry.* –

33 The NTC shall ensure that the data transmission sector remains open and accessible to all
34 qualified participants. Specifically, it shall;

35 (a) Implement an efficient and speedy administrative process in the authorization and
36 registration of data transmission sector participants;

1 (b) Adopt a technology-neutral framework that allows data transmission industry
2 participants to use any available technology to provide service;

3 (c) Promote fair and open competition in accordance with the principles and policies under
4 the Philippine Competition Act and its implementing rules in all segments of the data
5 transmission network, allowing a wide variety of physical networks and applications to interact
6 in an open architecture;

7 (d) Mandate transparency in pricing and the publication of pricing information to ensure
8 fair trading within and between each data transmission segment so as to allow clear,
9 comparative information on market prices and services;

10 (e) Mandate interconnection so that data transmission industry participants can connect
11 to each other at the various segments and interfaces, such that entities of any size may freely
12 enter and exit the market, and dominance by any single player or group of players is avoided;

13 (f) Promulgate policies that will encourage distributed local solutions rather than
14 centralized ones, encouraging services that are closer to the user;

15 (g) Publish the list of registered data transmission industry participants at least once a
16 year;

17 (h) Promulgate, together with the PCC, rules defining and regulating entities with
18 substantial market power;

19 (i) Publish a Spectrum Management Framework to be developed together with DICT and
20 PCC; and

21 (j) Collect the necessary Supervision and Regulation Fee (SRF) and Spectrum User Fee
22 (SUF), and other relevant fees as provided by law.

23 **SEC. 7. *Spectrum Allocation, Recall, and Reallocation.*** – The NTC shall maximize
24 the allocation and assignment of finite radio spectrum resources used in the transmission of
25 data by ensuring that the spectrum is made available for the use of all registered data
26 transmission industry participants. To this end:

27 (a) The procedure for radio spectrum assignment, joint use and recall shall be made
28 transparent to the public. All applications, including letter requests, spectrum assignment, joint
29 use, recall, and reallocation shall be posted in the NTC website and in a conspicuous place in
30 the offices of the NTC for at least three (3) consecutive months. The notice shall specifically
31 indicate the names of the applicants for spectrum assignment, joint use and recall, including
32 where the NTC itself is the proponent of any such action, the affected spectrum, and the
33 applicant's or NTC's reasons for the proposed spectrum assignment, joint use and recall. The
34 NTC shall not assign, recall or allow co-use or joint use of any radio frequency band or bands
35 without conducting at least one (1) public hearing and allowing public comment for a period of
36 fifteen (15) days from the date of the public hearing, prior to approval and/or disapproval of the
37 same. This shall apply to all spectrum, whether used for data transmission or not;

1 (b) All radio spectrums, radio frequency assignments, recalls, and joint use decisions of
2 the NTC shall be published in the NTC website and in a conspicuous place in the offices of the
3 NTC for at least three (3) consecutive months. The recall of frequency for purposes of free public
4 use shall be given priority.

5 The immediately preceding paragraphs (a) and (b) herein shall not apply to applications
6 for frequency assignments for fixed point-to-point radio links, wifi, and satellite networks;

7 (c) The NTC shall avoid the concentration of spectrum resources in the hands of a few
8 players and shall not assign, or allow joint use of radio spectrum in a manner that establishes,
9 promotes or perpetuates the dominance of PTEs. Any entity who believes that any one or more
10 of the NTC's decisions for the assignment of radio spectrum, whether past or present, which will
11 promote the dominance of any entity and hinder competition, may file a complaint before the
12 PCC to determine the dominance of a data transmission industry participant and deal with
13 anti-competitive conduct in accordance with its mandate under Republic Act No.10667,
14 otherwise known as the "Philippine Competition Act";

15 (d) The NTC shall promptly act on applications of data transmission industry participants
16 for permits to import equipment. Any application for a permit to import equipment that is not
17 acted on by the NTC within seven (7) days shall be deemed approved;

18 (e) If the NTC finds, on its own initiative or upon complaint, that any right, license or radio
19 spectrum assignment to any data transmission industry participant or PTE is not being used,
20 or is not being maximized by the user thereof, or that the grantee has violated the provisions of
21 this Act, it may, *motu proprio* or upon petition by any, subject to due process, recall the radio
22 spectrum assignment of the data transmission industry participant or PTE. The NTC shall,
23 where required and appropriate, work with the data transmission industry participant or PTE
24 concerned to take appropriate measures to minimize the impact of such recall on active users of
25 services utilizing the recalled spectrum. The foregoing notwithstanding, no frequency shall be
26 recalled within eighteen (18) months of the awarding of a provisional authority, license or
27 registration; and

28 (f) The NTC shall ensure that the allocation, reallocation, assignment, reassignment,
29 reclassification, joint use or co-use, and recall of spectrum does not result in the concentration
30 of spectrum resources which promote, establish, or perpetuate the significant market power of
31 PTEs or of only a limited number of participants. In instances where the resulting assignment
32 of spectrum for mobile and point-to-multipoint networks will give an assignee or entities it
33 controls, jointly or singly, or under common control, either by virtue of that request or in
34 combination with other previous requests by that party or its affiliates, fifteen percent (15%) or
35 above of assignable spectrum in the same band, the party requesting for an assignment of
36 spectrum or a joint use of spectrum shall be required to serve notice to the PCC and secure a
37 no-objection notice from the PCC. The PCC shall issue a no-objection notice within thirty (30)

1 working-days upon its receipt of pertinent information necessary for the review and issuance of
2 the notice: *Provided*, That the PCC may once extend such period for an additional fifteen (15)
3 working-days upon their notification of the NTC and the concerned party or parties to a
4 spectrum allocation, reallocation, assignment, reassignment, reclassification, joint use or co-
5 use, and recall.

6 **SEC. 8. *Setting Performance Standards.*** – The NTC shall:

7 (a) Mandate that, within one (1) year from the effectivity of this Act, all last mile providers
8 shall provide a minimum download speed of two (2) megabits per second or as mandated by the
9 National Broadband, whichever is higher, for mobile broadband and for fixed
10 wireless/broadband access;

11 (b) Prescribe performance standards after public consultation and hearings within six (6)
12 months from the effectivity of this Act;

13 (c) Regularly upgrade performance standards imposed on the data transmission industry
14 to ensure that performance standards shall, at a minimum, be at par with service levels
15 established in regional data network performance indices and aligned with international best
16 practices. Such standards shall take into account speed, packet loss, jitter, and latency;

17 (d) Regularly review performance standards at least once a year and publish new
18 performance standards at least thirty (30) days before they take effect. The publication of the
19 results of the performance measurements shall be done in an open data format and made
20 accessible to the general public;

21 (e) Any person, or the NTC itself, may, *motu proprio*, file a petition to penalize any data
22 transmission industry participant for failure to deliver service according to the NTC's published
23 performance standard and to require rectification of such noncompliance; and

24 (f) Measure the performance of the data industry participants quarterly and publish the
25 results of its assessment in its website.

26 **SEC. 9. *Arms-length Transactions and Transparency.*** – The NTC shall:

27 (a) Publish and make available in print and online formats all aspects of spectrum use
28 information, including the National Radio Frequency Allocation Table (NRFAT), indicating
29 therein the purpose or use to which each frequency band is allocated, and, for frequency bands
30 allocated for public use, the persons and/or entities to whom each particular frequency is
31 assigned. The NRFAT and updated radio spectrum use information shall be made available on
32 the NTC's website and to any person who requests the same, upon written request; and

33 (b) Promulgate rules requiring all data transmission industry participants to file an
34 annual report and include therein a fair and accurate statement regarding their market prices
35 and their services. The annual report shall include all costs and charges relevant to the data
36 transmission network segment where the participants operate. The rates shall be made
37 available online, in print, and in any other viable venue to the public. Any person can file a

1 complaint pertaining to these rates within thirty (30) days of posting. Each player at each
2 segment shall submit a copy of their rates to the NTC and the PCC. The rates shall be published,
3 including a historical record, in a consolidated manner. The data transmission industry
4 participants shall keep a publicly accessible archive of their rates.

5 **SEC. 10. *Fair Competition.*** – The PCC and the NTC shall ensure that the principles
6 and policies enshrined under the Philippine Competition Act are strictly adhered to in the data
7 transmission industry. The PCC and the NTC shall ensure that all industry players observe
8 fair, reasonable, and nondiscriminatory treatment in all their dealings, and that barriers to
9 entry are eliminated to make the industry highly competitive. To this end, within thirty (30)
10 days from the effectivity of this Act, the PCC and the NTC shall enter into an agreement to
11 foster and develop interagency cooperation mechanisms, including information-sharing tools,
12 that will guide them in the performance of their respective mandates, and in the promotion of
13 fair competition in the data transmission industry.

14 **SEC. 11. *Technological Neutrality.*** – The NTC shall ensure that the provisions of this
15 law apply, *mutatis mutandis*, to future technologies in data transmission.

16 **SEC. 12. *Infrastructure Sharing and Co-location.*** – The DICT and the NTC shall
17 promulgate policies, rules, and regulations to ensure that passive infrastructure, whether
18 existing or built in the future, necessary or capable of supporting data transmission networks
19 or services are:

20 (a) made mandatory for open access and made available for co-location and co-use by the
21 owner of network facilities, equipment, and infrastructure on an open, fair, and
22 nondiscriminatory basis to any access seeker's network facilities, in any segment, subject to the
23 technical feasibility of the access seeker's request and the network facility and infrastructure
24 owner's standard published offer terms, conditions, and rates: *Provided*, That the provision of
25 access to government-owned and -operated facilities and support infrastructure to access
26 seekers for the purpose of offering data transmission services shall be mandatory, unless special
27 circumstances, such as but not limited to national security concerns, exist;

28 (b) built not only in the city centers, but most especially in the remote, unserved, and
29 underserved areas in order to extend data transmission services by both the existing and new
30 players throughout the country;

31 (c) as far as possible, deployed together with roadworks, pipe-laying, and other
32 infrastructure development by both government and private entities; and

33 (d) proliferated in the most cost-efficient and timely manner through various means,
34 including, encouraging the operation of independent entities that build and operate towers, dark
35 fiber, and utility corridors, among other passive infrastructure that help facilitate data
36 transmission network deployment.

37 The DICT shall coordinate and issue a policy with other relevant government agencies

1 upon consultation with stakeholders to implement this provision. For purposes of data
2 transmission, the NTC shall, in case of a dispute arising from an infrastructure sharing
3 agreement: (1) mediate between a data transmission industry participant and an infrastructure
4 owner, and (2) serve as the primary enforcer of this provision.

5 The DICT and the NTC shall promulgate policies, rules, and regulations to ensure that
6 buildings, condominiums, villages, towns, and subdivisions are all built with facilities, such as
7 cable entrances, ducts, and risers, that allow nondiscriminatory access to multiple data
8 transmission industry players in order for them to provide service. They shall also promulgate
9 policies, rules, and guidelines that will ensure a level-playing field and price nondiscrimination
10 among data transmission industry participants and network facility and infrastructure owners.

11 The DICT and the NTC, in coordination with relevant government agencies, shall also
12 ensure the disaster resiliency and ease of recovery and restoration of passive infrastructure,
13 such as towers, poles, and utility corridors, from the effects of disasters by strictly enforcing
14 compliance with internationally-accepted engineering standards and best practices, and
15 relevant engineering codes and codes of practice.

16 The DICT and the NTC shall maintain an updated database of data transmission
17 infrastructure, including passive infrastructure used to support data transmission. The
18 database, to be updated annually, shall include the exact location, ownership, technical
19 specifications, and other relevant information about the facility.

20 CHAPTER IV

21 PROHIBITED ACTS

22 **SEC. 13. *Prohibited Acts.*** – The following acts are prohibited:

23 (a) **Refusal to Plug and Play.** – Any data transmission industry participant, insofar as
24 such person is so engaged, shall not refuse access to infrastructure to any other data
25 transmission industry participant, except for failure to pay open market fees for the access to
26 the service.

27 Data transmission industry participants shall not impede the end user's right to access
28 and distribute information and content, use and provide applications and services and use
29 terminal equipment of their choice, regardless of the end user's or provider's location or the
30 location, origin or destination of the information, content, application or service via their data
31 transmission service.

32 Agreements between data transmission providers of data services and end users on
33 commercial and technical conditions and the characteristics of data access services such as
34 price, data volume or speed, and any commercial practices conducted by providers of internet
35 access services shall not limit the exercise of the rights of end users laid down in the preceding
36 paragraph;

37 (b) **Paid Prioritization.** – A data transmission industry participant shall not engage in

1 paid prioritization for monetary or other consideration except when allowed by the NTC after
2 such participant demonstrates that the practice will provide significant public interest benefit
3 and will not disadvantage content and applications that are not prioritized or harm the open
4 nature of the internet;

5 (c) Throttling. – A data transmission industry participant shall treat all traffic equally
6 when providing data access services without discrimination, restriction or interference,
7 regardless of the sender and receiver, the content accessed or distributed, the applications or
8 services used or provided, or the terminal equipment used.

9 It shall be prohibited for a data transmission industry participant to hinder or slow down
10 services or applications or access to specific sites in the internet except where (1) access to such
11 sites, services or applications are prohibited by law; (2) it is necessary to preserve the integrity
12 and security of the network and service of the provider or the equipment of the end user:
13 *Provided*, That if the breach of integrity or security is caused by the equipment of the end user,
14 the provider has to notify the end user first and give the former sufficient time to rectify the
15 situation; and (3) it is necessary to block the transmission of unwanted communications such as
16 spam and child pornographic materials upon the complaint of the end user or the data
17 transmission industry participant;

18 (d) Refusal to Give Information. – It shall be prohibited for any data transmission industry
19 participant, including PTEs with regard to its network and facilities, to refuse or fail to make
20 available to suppliers of data transmission services, on a timely basis, the technical information
21 about its essential facilities or network facilities and commercially relevant information that
22 are necessary for the efficient provision of their services; and

23 (e) Anti-competitive Cross-subsidization. – The NTC shall require separate books of
24 accounts between different data transmission segments in order to allow identification of costs
25 and revenues for each segment. Any violation of this provision shall give rise to a presumption
26 of anti-competitive cross-subsidization, which shall then be referred to the Philippine
27 Competition Commission for proper determination and action, in accordance with the provisions
28 of Republic Act No. 10667. Nothing herein shall prevent interconnecting networks from
29 charging the appropriate cost-based compensation for the use of interconnection facilities.

30 **SEC. 14. *Administrative Penalties.*** – The NTC shall require data transmission
31 industry participants and PTEs providing data transmission services to comply with prescribed
32 performance standards and shall impose penalties for failure to comply with such performance
33 standards.

34 (a) Any data transmission industry participant who fails to comply with the minimum
35 service standards set by the NTC shall be imposed a minimum penalty of a fine of not less than
36 One hundred thousand pesos (P100,000.00) but not more than Five million pesos
37 (P5,000,000.00) per day for every day during which such default or violation continues, until the

1 participant fully complies: *Provided*, That if the data transmission industry participant has a
2 gross annual income not exceeding Ten million pesos (P10,000,000.00), the penalty that may be
3 imposed shall be equivalent to one percent (1%) to two percent (2%) of its gross annual income.
4 The NTC is hereby authorized and empowered to impose such fine, after due notice and hearing.

5 (b) An entity who fails to substantially comply with the NTC's performance standards for
6 three (3) consecutive years shall, subject to due process, be removed from the registry of
7 registered data transmission industry participants and shall be prohibited from rendering data
8 transmission services.

9 (c) Any data transmission industry participant who engages in the prohibited acts under
10 Section 12 of this Act or fails to comply with the performance standards set by the NTC shall
11 suffer a minimum penalty of a fine of not less than Three hundred thousand pesos (P300,000.00)
12 but not more than Five million pesos (P5,000,000.00) for every day that the violation continues
13 until the participant fully complies: *Provided*, That if the data transmission industry participant
14 has a gross annual income not exceeding Ten million pesos (P10,000,000.00), the penalty that
15 may be imposed shall be equivalent to one percent (1%) to two percent (2%) of its gross annual
16 income. In cases of anti-competitive cross-subsidization, the imposable penalties are those
17 provided under Republic Act No. 10667.

18 (d) A data transmission industry participant violating any provision of this Act shall forfeit
19 all certificates, licenses, authorizations, rights, and awards issued to it in relation to its
20 participation in the data transmission industry.

21 (e) Any other violations not specifically penalized under the relevant provisions of this Act
22 shall be penalized by a fine of not less than Fifty thousand pesos (P50,000.00) and not more
23 than Two million pesos (P2,000,000.00).

24 **SEC. 15. *Adjustment for Inflation.*** – The fines imposed under this Act shall be adjusted
25 by the NTC, year-on-year, considering the prevailing cost of money based on the current
26 consumer price index, and subject to publication of such adjustments.

27 CHAPTER V

28 RIGHTS OF DATA TRANSMISSION SERVICE USERS AND RESPONSIBILITIES OF 29 DATA TRANSMISSION SERVICE PROVIDERS

30 **SEC. 16. *Rights of End Users.*** – The user of data transmission services shall have the
31 following basic rights:

32 (a) To be entitled to data transmission services which is nondiscriminatory, reliable, and
33 conforming with minimum standards set by the NTC;

34 (b) To be rendered data transmission services within two (2) months from application for
35 service;

36 (c) Regular, timely and accurate billing, courteous and efficient service at business offices
37 and by company personnel;

1 (d) Timely correction of errors in billing and the immediate provision of rebates or
2 refunds by the data transmission service provider without the need for demand by the user; and

3 (e) Thorough and prompt investigation of, and action upon complaints. The data
4 transmission service provider shall endeavor to allow complaints to be received by any means
5 convenient to the end user, including voice calls, post, short messaging service (SMS), multi-
6 media messages (MMS) and online communication, and shall keep a record of all complaints
7 received and the action taken to address the complaints.

8 Subject to the filing of a formal request to the data service provider, a user may request
9 the immediate termination of service without the imposition of fees or penalties, and with the
10 refund of any fee or charge already paid by the user, should a data service provider not
11 consistently comply with paragraphs (a), (d), and (e) of this Section or any other minimum
12 performance standards set by the NTC.

13 **CHAPTER VI**
14 **FINAL PROVISIONS**

15 **SEC. 17. Expedited Processing.** – In all instances where a participant in the data
16 transmission industry shall require a form, certificate, or request from any government agency
17 or local government unit (LGU), there should be no more than two (2) public officers involved in
18 processing the form, certificate, or request.

19 Processing fees and certifications required for the deployment of any segment of data
20 transmission networks shall be limited to those identified by the DICT. The DICT shall
21 coordinate with the concerned national government agencies and LGUs, and conduct the
22 necessary consultations with civil society organizations and other stakeholder groups, for the
23 development of the implementing rules and policies to minimize the administrative burden of
24 permitting and certification processes.

25 **SEC. 18. Implementing Rules and Regulations.** – Within sixty (60) days from the
26 effectivity of this Act, the NTC shall promulgate the necessary rules and regulations for its
27 effective implementation.

28 **SEC. 19. Joint Congressional Oversight Committee on Open Access in Data**
29 **Transmission.** – There shall be created a Joint Congressional Oversight Committee on
30 Open Access in Data Transmission (JCOCOADT) which shall monitor and ensure the effective
31 implementation of this Act. It shall determine weaknesses and loopholes in the law, recommend
32 the necessary remedial legislation or administrative measures and perform such other duties
33 and functions as may be necessary to attain the objectives of this Act.

34 The JCOCOADT shall be composed of five (5) members from the Senate and five (5)
35 members from the House of Representatives, in addition to the Chairperson of the Senate
36 Committee on Science and Technology and the Chairperson of the House of Representatives

1 Committee on Information and Communications Technology: *Provided*, That two (2) members
2 of each chamber's nominees shall come from the ranks of the minority party/bloc.

3 The Chairperson of the Senate Committee on Science and Technology and the Chairperson
4 of the House of Representatives Committee on Information and Communications Technology
5 shall act as co-Chairpersons of the JCOCOADT. The ranking minority members nominated by
6 both the Senate and the House of Representatives shall act as co-Vice Chairpersons. The
7 Secretariat of the JCOCOADT shall come from the existing Secretariat personnel of the
8 Committee on Science and Technology of the Senate and the Committee on Information and
9 Communications Technology of the House of Representatives. The JCOCOADT shall have its
10 own independent counsel.

11 The JCOCOADT shall exist for a period not exceeding five (5) years from the effectivity of
12 this Act. Thereafter, its oversight functions shall be exercised by the Senate Committee on
13 Science and Technology and the House of Representatives Committee on Information and
14 Communications Technology, acting separately.

15 **SEC. 20. *Separability Clause.*** – Should any provision herein be declared
16 unconstitutional, the other provisions not affected shall remain in full force and effect.

17 **SEC. 21. *Repealing Clause.*** – All laws, decrees, orders, rules and regulations or other
18 issuances or parts inconsistent with the provisions of this Act are hereby repealed, amended or
19 modified accordingly.

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

Approved.