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SENATE

S. No. 816

RECEIVED BY: 

Introduced by Senator Ralph G. Recto

AN ACT
PROVIDING FREE WI-FI INTERNET ACCESS IN PUBLIC BUILDINGS, TRANSPORT
TERMINALS AND PARKS, AND FOR OTHER PURPOSES

Explanatory Note

The National Capital Region (NCR) has been ranked the 2nd best outsourcing destination in the world after Bangalore, India.¹ The Information Technology-Business Process Outsourcing (IT-BPO) sector remains vibrant and progressive, signaling the importance of the Internet in the Philippine capital and the economy.

However, wireless internet connection is difficult to locate and acquire. In the May 2015 Ookla Household Speed Index test, the Philippines' Internet Speed of 3.64 Mbps ranks 176th out of the 202 countries included, way below the global average of 23.3 Mbps, and 2nd to the lowest in Asia, next to Afghanistan.² This is a clear reflection of the low priority given to broadband internet infrastructure in the country.

Despite having a Philippine Digital Strategy (PDS) 2011-2016, the establishment of a broadband internet infrastructure policy for the Philippines, which could mean internet for all, seems to have been pushed back with regard to importance.

In line with the goal of the PDS to establish a Universal Access and Service Fund (UASF), a financing instrument that can be sourced from the Spectrum User Fees (SUF) of the National Telecommunications Commission (NTC), this bill proposes that the sums necessary to implement the broadband infrastructure shall be automatically appropriated out of the SUF of NTC. The SUF accounts for a significant amount of the agency's revenue and reverts to the National Treasury.

This bill recognizes the vital role of communication and information in national development and thus, provides for free public wireless internet access in public buildings, parks, and national roads.

Similar to the relevance of roads and bridges in stimulating economic activity and in fueling the Philippine economy, so too is the effect of a broadband infrastructure. Connectivity to the internet will enhance business growth opportunities and will assure citizens ease of sourcing timely information at the click of a button.

For the Philippines to further establish itself as an emerging economy, a public broadband internet infrastructure must be in place. Providing free internet access to public buildings and facilities will also ensure that our growing labor force will be updated with employment opportunities. Free wireless

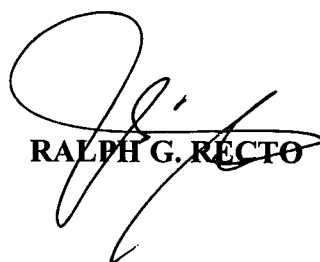
¹ Source: Tholons Top 100 Outsourcing Destination 2016

² May 2015 Ookla Household Speed Index

internet connection will ensure that the populace-beginning in the capital-will be equipped with and honed to using key faculties needed to build an innovative, progressive, and rapidly digitizing economy.

Allowing free wireless internet access in key public places means providing access to the underserved in our society, including getting low-income people online. Connectivity must be provided to residents and visitors of the capital, providing them access to critical information anytime-from educational information for students in our public schools, traffic situations and alternative routes for motorists plying the Epifanio de los Santos Avenue (EDSA) and other national highways, latest weather advisories disseminated through social media, prime commodity price fluctuations such as that of food and fuel, updates on government services such as issuances of documents, to transparency initiatives of the government.

In light of the foregoing, the approval of this bill is earnestly sought.



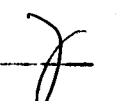
RALPH G. RECTO

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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 the “Free Public Wi-Fi Act of 2016”.

2 **SEC. 2. Declaration of Policy.** – The State shall give priority to science and technology to
3 accelerate social progress and promote human development. The State shall encourage the participation
4 of local governments, private groups, and community-based organizations in the development and
5 utilization of science and technology for national development.

6 In recognition of the vital role of information and communication in nation-building, the State
7 shall promote a policy environment for the development of information and communication structures
8 that would ensure the availability and accessibility to quality, affordable, reliable and secure Internet
9 access suitable to the needs and aspirations of the nation. The State shall also encourage the exchange of
10 information into, out of, and across the country, to promote knowledge-building among citizens and
11 enable them to participate and compete in an evolving information and communications technology age.

12 **SEC. 3. Free Wi-Fi Internet Access.** - Within two (2) years from the effectivity of this Act, free
13 Wi-Fi Internet access shall be made available in public areas enumerated under Section 4 of this Act:
14 *Provided, That* priority shall be given to areas with existing Internet infrastructure.

15 **SEC. 4. Coverage.** – Public areas to be provided with free Wi-Fi Internet access shall include the
16 following:

- 17 a) National and local government offices;
18 b) State universities and colleges;
19 c) Public hospitals and health centers;
20 d) Public parks, plazas, and libraries;
21 e) Airports and seaports; and
22 f) Public transport terminals.

23 At the minimum, free Wi-Fi Internet access should be available at the main lobbies and main
24 hallways of the public building or terminal, or at the main assembly point in a public park or area.

1 **SEC. 5. Free and Fair Usage Policy.** – No fees shall be collected for use of the free Wi-Fi Internet
2 service. A Fair Usage Policy shall be implemented to ensure that individuals will have equitable access.
3 No restrictions or requirements that hinder access shall be imposed, except to implement the Fair Usage
4 Policy or when there is a clear and present security or technical risk that cannot be remedied through
5 normal technical solutions.

6 The free Wi-Fi Internet access shall not be used for the regular operations and/or activities of the
7 offices or facilities covered: *Provided*, That the shared use of infrastructure shall not be prohibited.

8 **SEC. 6. Role of Government Agencies.** – The Department of Information and Communications
9 Technology (DICT) shall be the lead agency for the implementation of this Act, in cooperation with all
10 National Government Agencies (NGAs) and Local Government Units (LGUs).

11 For the purpose of this Act, the NGAs and LGUs shall:

- 12 a) Allow reasonable access for the installation of equipment and signage to areas
13 of the building or park where the free Wi-Fi Internet service is reasonably
14 required;
15 b) Allow reasonable use of electricity; and
16 c) Ensure the security of the equipment installed.

17 To provide a nationwide, uniform, and easier access, NGAs and LGUs that are already offering
18 free Wi-Fi Internet access to the public, may enroll or align their existing service with that provided in
19 this Act.

20 **SEC. 7. License-Free Use of Available and Unassigned Spectrum.** – The DICT, in coordination
21 with the National Telecommunications Commission (NTC), shall be allowed the license-free use of
22 available and unassigned spectrum for the provision of the free Wi-Fi Internet service, as well as for
23 other public service purposes: *Provided*, That this shall not cause interference to, or hinder the
24 development of, the broadcast and other services authorized by the NTC.

25 The license-free use of available and unassigned spectrum may be granted to other agencies and
26 private entities subject to the guidelines issued by the DICT and the NTC.

27
28 **SEC. 8. Public-Private Participation.** – To promote an efficient and cost-effective delivery of
29 the free Wi-Fi Internet service, the DICT shall partner with private service providers in the
30 implementation of this Act.

31 In order to lower costs, increase speed, and improve the free Wi-Fi Internet service, private
32 service providers are encouraged to exchange data traffic at a domestic Internet Protocol (IP) Exchange
33 designated by the DICT.

34 **SEC. 9. Appropriations.** – The amount necessary for the immediate implementation of the
35 provisions of this Act shall be charged against any available funds of the DICT and the NTC. Thereafter,
36 such sums as may be necessary to implement this Act shall be automatically appropriated out of the
37 Spectrum User Fees (SUF) collection of the NTC.

1 Any deficiency in the budgetary requirements for the implementation of this Act shall be included
2 in the General Appropriations Act.

3 **SEC. 10. *Annual Report.*** – The DICT shall prepare an annual report on the status of the
4 implementation of the free Wi-Fi Internet service program, which shall be submitted to the President of
5 the Philippines and to the Chairpersons of the Committee on Science and Technology of both Houses of
6 Congress, not later than June 30 of the succeeding year.

7 **SEC. 11. *Implementing Rules and Regulations.*** – The DICT, in coordination with the NTC and
8 the Department of Interior and Local Government (DILG) shall promulgate not later than thirty (30) days
9 upon the effectivity of this Act the necessary rules and regulations for its effective implementation.

10 **SEC. 12. *Separability Clause.*** – In the event that any provision of this Act is declared
11 unconstitutional, the validity of the other provisions shall not be affected by such declaration.

12 **SEC. 13. *Repealing Clause.*** – All laws, decrees, orders, rules and regulations, or portions thereof,
13 inconsistent with this Act are hereby repealed or modified accordingly.

14 **SEC. 14. *Effectivity.*** – This Act shall take effect fifteen (15) days following its publication in at
15 least two (2) newspapers of general circulation or in the Official Gazette.

Approved,