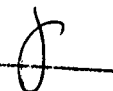


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SENATE

S. No. 1852

RECEIVED 

Introduced by Senator Leila M. de Lima

AN ACT
REQUIRING PUBLIC TELECOMMUNICATIONS ENTITIES TO PROVIDE
ITS SUBSCRIBERS WITH FREE ACCESS TO GOVERNMENT WEBSITES

EXPLANATORY NOTE

Initially conceptualized for the military of the United States of America as a defense network against nuclear war, the technological revolution widely called “the Internet” currently caters to the entire international community and is rapidly evolving as a critical enabler of social and economic change, transforming how the government, industries and citizens interact, and offering new ways of addressing development challenges.

The United Nations Research Institute for Social Development (UNRISD) has long been studying the potential role of the Internet in promoting sustainable and equitable development in developing countries. In one of its published papers entitled “The Internet as a Tool for Social Development”, the UNRISD claimed that “... the Internet can only become a tool for social development if it is applied in a way that addresses the complex challenges of improving the lives of the least-privileged and most needy millions around the world.”¹ The study further stressed the importance of Internet connectivity stating that “[i]f the Internet is to become a tool for serving the poor, access by weaker social groups must be assured.”²

¹ Uimonen, P. (n.d.). *The Internet as a Tool for Social Development*. Switzerland: United Nations Research Institute for Social Development. Retrieved April 25, 2018, from https://www.isoc.org/INET97/proceedings/G4/G4_1.HTM

² *Ibid.*

At present, not everyone is fortunate enough to experience this technological innovation. According to a Philippine study conducted in 2014³, there exists clear indications that the Philippines is “experiencing a ‘digital divide’” when it comes to Internet usage— with sixty-six (66) percent of the middle to upper class being Internet users as compared to only thirty-five (35) percent and eighteen (18) percent of the poor and very poor classes, respectively. The cause of this digital gap lies with accessibility, or to be more precise, the lack of it. Poverty consequentially denies the majority of the people the ability to connect to the Internet due to geographic (proximity to telecommunication infrastructures) and economic (high service cost) restrictions.

Fully aware of the power of the Internet and its effect in the economy, Congress enacted Republic Act No. 10929, or the “Free Internet Access in Public Places Act”, on 02 August 2017. With this landmark legislation, the economic restriction of Internet accessibility had been resolved by eliminating the steep service costs. However, this approach only partially answers the geographic constraint hampering the Internet connectivity of our nation.

With technology rapidly changing our social and economic landscape, it has now become imperative for the government to ride the tide of technological advancement in order to provide a more efficient, safer, and equitable public service. The United Nations E-Government Survey 2016 has ranked the country with a Very High Online Service Index and has vastly improved in the E-Government Development Index compared to the 2014 survey. The report noted that a new trend in e-government has been the evolution towards the provision of integrated public services online through, among others, one-stop platforms allowing access to a range of public services. This approach makes it easier for people to interact with public administrators, and facilitates efficient and integrated responses to their queries and needs.

Thus, this proposed measure enjoins the participation of the telecommunications sector in connecting government services to the general public, alleviating the technology-driven economic and social disparity currently present in our country. Catering to Filipinos who have access to smartphones, this bill will connect each citizen to the vast catalogues of government information. With this

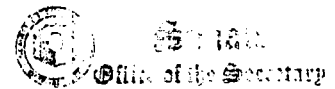
³ Labucay, I. D. (2014). Patterns of Internet usage in the Philippines. In J.D. James (Ed.), *The Internet and the Google age: Prospects and perils* (pp. 27-49). Dublin: Research-publishing.net. doi: 10.14705/rpnet.2014.000176

measure, ordinary Filipinos will be empowered to be more critical and participative in the decision-making processes that shape our society. Government forms and online government services, as in the matter of scheduling applications such as those for passports and National Bureau of Investigation (NBI) clearances will also become more accessible to those in the far reaches of the country.

This Bill envisions an empowered Filipino citizenry with full-access to integral government information. As South Africa's former President Nelson Mandela once said, "If we cannot ensure that this global revolution creates a world-wide information society in which everyone has a stake and can play a part, then it will not have been a revolution at all."

In view of the foregoing, the approval of this measure is earnestly sought.

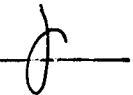

LEILA M. DE LIMA



'18 JUN 18 AIO :45

SENATE

S. No. 1852

RECEIVED BY 

Introduced by Senator Leila M. de Lima

AN ACT
REQUIRING PUBLIC TELECOMMUNICATIONS ENTITIES TO PROVIDE
ITS SUBSCRIBERS WITH FREE ACCESS TO GOVERNMENT WEBSITES

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 Access to Government
2 Websites Act”.

3 Sec. 2. *Declaration of Policy.*— The State hereby recognizes the vital role of
4 information and communications technology in nation-building, and declares its
5 policy to promote an environment that would ensure the availability and accessibility
6 of official government information in the internet. Towards this end, the State shall
7 mandate that public telecommunication entities granted with a Congressional
8 privilege to operate as such to contribute in the promotion of availability and efficiency
9 of access to government and lessen the digital divide.

10 Sec. 3. *Definition of Terms.*—

11 (a) *Government website* – a website recognized by the Department of
12 Information and Communications Technology (DICT) and being
13 maintained for the National Government, with the main purpose of
14 communicating and providing information, departmental issuances,
15 mandates and other vital information for the operation of the government
16 and the general public;

1 (b) *Free access* – shall mean the provision of full and uninhibited access to
2 government websites by telecommunications entities without charging
3 their subscribers any fee or service cost;

4 (c) *Public telecommunications entity* – any person, firm, partnership or
5 corporation, whether government or private, that is engaged in the
6 provision of telecommunications services to the public for compensation
7 and conferred with a legislative franchise to operate;

8 (d) *Subscriber* – any person who uses, enjoys and pays for the services of public
9 telecommunications entities;

10 (e) *Telecommunications* – any process which enables a telecommunications
11 entity to relay and receive voice, data, electronic messages, written or
12 printed matter, fixed or moving pictures, words, music or visible or audible
13 signals or any control signals of any design and for any purpose by wire,
14 radio or other electromagnetic, spectral, optical or technological means.

15 Sec. 4. *Free Access to Government Websites.*— All public telecommunications
16 entities are required to provide free access to all government websites. To ease the
17 burden of public telecommunication entities in the enforcement of this Act, the DICT
18 is mandated to assist government agencies in ensuring that their respective websites
19 can be accessed with minimal data requirements.

20 Sec. 5. *Penalties.*— Any public telecommunications entity who is found to have
21 violated the provisions of this Act shall be punished with a fine of not less than One
22 million pesos (P1,000,000.00) but not more than Ten million pesos
23 (P10,000,000.00) and/or a suspension or revocation of its legislative franchise and
24 other permits and licenses by the National Telecommunications Commission.

25 Sec. 6. *Implementing Rules and Regulations.*— The DICT, as lead implementing
26 agency that will oversee the effective and efficient implementation of this Act, shall
27 promulgate the necessary rules and regulations within one hundred twenty (120) days
28 from the effectivity of this Act.

29 Sec. 7. *Repealing Clause.*— All laws, decrees, orders, rules or regulations, other
30 issuances or parts thereof inconsistent with this Act are hereby repealed or amended
31 accordingly.

1 **Sec. 8. *Separability Clause.***— If any provision of this Act is declared invalid, other
2 parts or provisions hereof not affected thereby shall remain and continue to be in full
3 force and effect.

4 **Sec. 9. *Effectivity.***— This Act shall take effect fifteen (15) days after the completion
5 of its publication in the Official Gazette or in at least two (2) newspapers of general
6 circulation.

Approved,