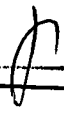




SENATE

20 APR 16 A9:26

S. No. 1433

RECEIVED BY: 

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Introduced by **SENATOR LEILA M. DE LIMA**

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**AN ACT  
REQUIRING ALL PUBLIC TELECOMMUNICATIONS ENTITIES  
GRANTED WITH CONGRESSIONAL FRANCHISES TO PROVIDE THEIR  
SUBSCRIBERS WITH FREE ACCESS TO GOVERNMENT WEBSITES**

**EXPLANATORY NOTE**

Article II, Section 9 of the 1987 Constitution provides that, "[t]he State shall promote a just and dynamic social order that will ensure the security and independence of the nation and free the people from poverty through policies and provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all."

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.

With technology rapidly changing our social 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, especially in times of calamity or public emergencies where information dissemination is vital to the society.

The First Quarter 2019 Social Weather Survey has revealed that there is an upward trend in the proportion of internet users in the country since June 2006, with Metro Manila housing the most number of internet users. The same survey reported that the proportion of internet users was highest among 18-24 years olds at 86%.

Under the classification of educational attainment, the proportion is highest among college graduates at 79%.<sup>1</sup>

According to the annual digital report of “We Are Social and Hootsuite”, released last 2019, the Filipinos spend 10 hours and 2 minutes online. The Philippines also tops the world in terms of internet usage through laptop or desktops by spending 5 hours and 4 minutes in front of it daily. These statistics is far from the global average of 3 hours and 28 minutes. The number of social media users in the country has likewise grown from 67 million to 76 million in 2019.<sup>2</sup>

While Filipinos indeed continue to adopt to evolving technology, according to a Philippine study conducted last 2014<sup>3</sup>, there are clear indications that the Philippines is “experiencing a ‘digital divide’” – 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. It is therefore apparent that there is a gap yet to be filled and this is what the proposed measure seeks to solve.

In light also of the current crisis and pandemic being experienced by everyone, it is imperative that information dissemination and cascading of official issuances are provided to each and every Filipino, to keep them aware and well-informed of various government actions. Free 24/7 access to government websites shall aid in their day-to-day decision-making and allow our fellow countrymen to be more discerning and participative in accessing and digesting information. 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.

Ultimately, the bill presents a novel approach that seeks to contribute in the efforts toward achieving socio-economic growth for all, that is hinged on an engaged and active citizenry with full access to a robust flow of information about their own government. As South Africa’s former President Nelson Mandela once said, “If we

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<sup>1</sup> Social Weather Stations. 4 June 2019. *First Quarter of 2019 Social Weather Survey: Internet usage steady at 46% of adult Filipinos*. Retrieved from <https://www.sws.org.ph/swsmain/artclisppage/?artcsyscode=ART-20190604221437>

<sup>2</sup> Gonzales, Gelo. Rappler. 31 January 2019. “*Filipinos spend most time online, on social media-worldwide-report*.” Retrieved from <https://www.rappler.com/technology/news/222407-philippines-online-use-2019-hootsuite-we-are-social-report>

<sup>3</sup> 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

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.”



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The approval of this measure is earnestly sought.

RECEIVED BY  
*Lhila M. De Lima*  
LHILA M. DE LIMA

SENATE  
S. No. 1433

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Introduced by SENATOR LEILA M. DE LIMA

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**AN ACT  
REQUIRING ALL PUBLIC TELECOMMUNICATIONS ENTITIES  
GRANTED WITH CONGRESSIONAL FRANCHISES TO PROVIDE THEIR  
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  
2 Government Websites Act of 2020”.

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

11 Sec. 3. *Definition of Terms.* –

12 (a) *Government website* – a website recognized by the DICT and being  
13 maintained for the government, whether national or local, including its  
14 agencies, departments, and corporations or enterprises that it owns or  
15 controls, with the main purpose of communicating official issuances,  
16 government transactions affecting public interest, vital information on the  
17 operations of the government, and other matters of legitimate public  
18 concern;

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 of any fees;

4 (c) *Public telecommunications entity* – any person, firm, partnership or  
5 corporation, government or private, engaged in the provision of  
6 telecommunications services to the public for compensation;

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

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

14 **Sec. 4. *Free Access to Government Websites.*** – All public telecommunication  
15 entities are required to provide free access to all government websites. To ease the  
16 burden of public telecommunication entities in their compliance with this Act, the  
17 Department of Information and Communications Technology (DICT) is mandated to  
18 assist government agencies in ensuring that their respective websites can be accessed  
19 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 suspension or revocation of its legislative franchise and  
24 other permits and license by the National Telecommunications Commission (NTC).

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 implementing rules and regulations within one hundred  
28 twenty (120) days 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,  
2 other parts or provisions hereof not affected thereby shall remain and continue to be  
3 in full force and effect.

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

Approved,