

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

24 MAY 15 P3:14

SENATE

S. No. 2676

RECEIVED BY: 

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Introduced by Senator Manuel "Lito" M. Lapid

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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**

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.

As prescribed by Article 2, Section 9 of the Constitution, it is the policy of the State to "... promote a just and dynamic social order that will ensure the prosperity and independence of the nation, and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all."

According to a Philippine study conducted last 2014<sup>1</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 users of the poor and very poor class belonging the thirty-five (35) percent and eighteen (18) percent of their respective demography.

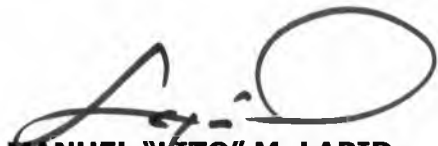

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<sup>1</sup> Labucay, I. D. (2014). Patterns of Internet usage in the Philippines. In J.D. James (Ed.), *The Internet and the Google age: Prospects and perils* (pp. 27-49). Dublin: Research-publishing.net. doi: 10.14705/rpnet.2014.000176

By enjoining the participation of the private sector in connecting government services to the general public, we will be alleviating the technology-driven economic and social disparity currently present in our country.

With this proposed measure, the State will be able to figuratively and literally connect the masses and the government. Government websites containing invaluable information and documents will be more accessible to the public—freedom of information will truly be free, and scheduling applications such as those for passports and National Bureau of Investigation (NBI) clearances will be at the fingertips of every Filipino people.

In view of the foregoing, the passage of this bill is earnestly sought.

  
**MANUEL "LITO" M. LAPID**  
Senator 

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

1           **SECTION 1. Requirement.** – All franchise holders or owners of public  
2 telecommunications entities are required to provide free access to all government  
3 websites, including the websites of the Legislative, and Judicial branches of the  
4 government.

5

6           **Sec. 2. Definition of Terms.** –

7

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

13

14           (b) Free access – shall mean the provision of full and uninhibited access to  
15 government websites by telecommunications entities without charging their  
16 subscribers of any fees;

17

1 (c) Public telecommunications entity – any person, firm, partnership or  
2 corporation, government or private, engaged in the provision of  
3 telecommunications services to the public for compensation;

4  
5 (d) Subscriber – any person who uses, enjoys and pays for the services of public  
6 telecommunications entities;

7  
8 (e) Telecommunications – any process which enables a telecommunications entity  
9 to relay and receive voice, data, electronic messages, written or printed matter,  
10 fixed or moving pictures, words, music or visible or audible signals or any  
11 control signals of any design and for any purpose by wire, radio or other  
12 electromagnetic, spectral, optical or technological means.

13  
14 **Sec. 3. Penalties.** – Any franchise holder or owner of a public  
15 telecommunications entity who is found to have violated the provisions of this Act shall  
16 be punished by a fine of one peso (P 1.00) per subscriber or twenty million pesos  
17 (P20,000,000.00), whichever is lower, and/or by imprisonment of not less than six (6)  
18 months but not more than one (1) year, subject to the discretion of the court.

19  
20 In case the offender is a corporation, partnership or association, or any other  
21 juridical person, the president, manager, administrator, or person-in-charge of the  
22 management of the business who knowingly and willfully voted or assented or acted  
23 with bad faith and gross negligence to the unlawful action punishable under this Act  
24 shall be liable therefor. In addition, the license or permit to operate its business shall  
25 be cancelled.

26  
27 **Sec. 4. Implementing Rules and Regulations.** – The National  
28 Telecommunications Commission, in consultation with the Department of Information  
29 and Communications Technology and other concerned agencies and entities, shall  
30 promulgate the necessary rules and regulations within one hundred twenty (120) days  
31 from the effectivity date of this Act, including guidelines and applications of exemption,  
32 system of warnings, penalties and appeals, and monitoring and compliance.

1

2           **Sec. 5. *Repealing Clause.*** – All laws, decrees, orders, rules or regulations, other  
3 issuances or parts thereof inconsistent with this Act are hereby repealed or amended  
4 accordingly.

5

6           **Sec. 6. *Separability Clause.*** – If any provision of this Act is declared invalid,  
7 other parts or provisions hereof not affected thereby shall remain and continue to be  
8 in full force and effect.

9

10           **Sec. 7. *Effectivity.*** – This Act shall take effect fifteen (15) days after the  
11 completion of its publication in the Official Gazette or in at least two (2) newspapers  
12 of general circulation.

13

14           Approved,