

HOUSE OF REPRESENTATIVES

H. No. 8910

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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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (j) *Open access* refers to the system of allowing the use of data transmission  
14 or distribution systems and associated facilities subject to fair, reasonable, and  
15 nondiscriminatory terms in a transparent market;

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

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

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

## 26 CHAPTER II

### 27 ORGANIZATION AND OPERATION OF THE DATA TRANSMISSION INDUSTRY

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

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

4           (a) All data transmission industry participants shall be required to register with the  
5 National Telecommunications Commission (NTC). The NTC shall promulgate a speedy and  
6 expeditious administrative process for registration and shall, in coordination with the  
7 Department of Information and Communications Technology (DICT) for policy and  
8 standard-setting in the Information and Communications Technology (ICT) sector, and  
9 Philippine Competition Commission (PCC) for the promotion of market competition,  
10 develop a set of criteria for qualifying data transmission industry participants that will  
11 encourage the widest possible participation of as many industry players as possible who  
12 will offer data transmission services in all segments of the network and to end users in  
13 different parts of the country. The qualification requirements for data transmission  
14 industry participants shall also take national security concerns into consideration  
15 particularly for facilities that interface directly with another country's domestic network.

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

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

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

1 CHAPTER III

2 REGULATION OF THE DATA TRANSMISSION INDUSTRY

3 SEC. 6. *Open Access Approach to Regulation of the Data Transmission Industry.* – The  
4 NTC shall ensure that the data transmission sector remains open and accessible to all  
5 qualified participants. Specifically, it shall:

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

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

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

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

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

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

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

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

27 (i) Publish a Spectrum Management Framework to be developed together with the  
28 DICT and the PCC; and

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

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

35 (a) The procedure for radio spectrum assignment, joint use and recall shall be made  
36 transparent to the public. All applications, including letter requests, spectrum assignment,  
37 joint use, recall, and reallocation shall be posted in the NTC website and in a conspicuous

1 place in the offices of the NTC for at least three (3) consecutive months. The notice shall  
2 specifically indicate the names of the applicants for spectrum assignment, joint use and  
3 recall, including where the NTC itself is the proponent of any such action, the affected  
4 spectrum, and the applicant's or NTC's reasons for the proposed spectrum assignment, joint  
5 use and recall. The NTC shall not assign, recall or allow co-use or joint use of any radio  
6 frequency band or bands without conducting at least one (1) public hearing and allowing  
7 public comment for a period of fifteen (15) days from the date of the public hearing, prior to  
8 approval and/or disapproval of the same. This shall apply to all spectrum, whether used for  
9 data transmission or not;

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

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

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

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

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

1 (f) The NTC shall ensure that the allocation, reallocation, assignment, reassignment,  
2 reclassification, joint use or co-use, and recall of spectrum does not result in the concentration  
3 of spectrum resources which promote, establish, or perpetuate the significant market power  
4 of PTEs or of only a limited number of participants. In instances where the resulting  
5 assignment of spectrum for mobile and point-to-multipoint networks will give an assignee or  
6 entities it controls, jointly or singly, or under common control, either by virtue of that request  
7 or in combination with other previous requests by that party or its affiliates, fifteen percent  
8 (15%) or above of assignable spectrum in the same band, the party requesting for an  
9 assignment of spectrum or a joint use of spectrum shall be required to serve notice to the PCC  
10 and secure a no-objection notice from the PCC. The PCC shall issue a no-objection notice  
11 within thirty (30) working days upon its receipt of pertinent information necessary for the  
12 review and issuance of the notice: *Provided*, That the PCC may once extend such period for  
13 an additional fifteen (15) working days upon their notification of the NTC and the concerned  
14 party or parties to a spectrum allocation, reallocation, assignment, reassignment,  
15 reclassification, joint use or co-use, and recall.

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

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

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

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

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

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

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

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

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

8           (b) Promulgate rules requiring all data transmission industry participants to file an  
9 annual report and include therein a fair and accurate statement regarding their market  
10 prices and their services. The annual report shall include all costs and charges relevant to  
11 the data transmission network segment where the participants operate. The rates shall be  
12 made available online, in print, and in any other viable venue to the public. Any person can  
13 file a complaint pertaining to these rates within thirty (30) days of posting. Each player at  
14 each segment shall submit a copy of their rates to the NTC and the PCC. The rates shall be  
15 published, including a historical record, in a consolidated manner. The data transmission  
16 industry participants shall keep a publicly accessible archive of their rates.

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

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

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

32           (a) made mandatory for open access and made available for co-location and co-use by  
33 the owner of network facilities, equipment, and infrastructure on an open, fair, and  
34 nondiscriminatory basis to any access seeker's network facilities, in any segment, subject to  
35 the technical feasibility of the access seeker's request and the network facility and  
36 infrastructure owner's standard published offer terms, conditions, and rates: *Provided, That*  
37 the provision of access to government-owned and -operated facilities and support

1 infrastructure to access seekers for the purpose of offering data transmission services shall  
2 be mandatory, unless special circumstances, such as but not limited to national security  
3 concerns, exist;

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

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

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

13 The DICT shall coordinate and issue a policy with other relevant government agencies  
14 upon consultation with stakeholders to implement this provision. For purposes of data  
15 transmission, the NTC shall, in case of a dispute arising from an infrastructure sharing  
16 agreement: (1) mediate between a data transmission industry participant and an  
17 infrastructure owner, and (2) serve as the primary enforcer of this provision.

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

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

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

#### 34 CHAPTER IV

#### 35 PROHIBITED ACTS

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

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

5 Data transmission industry participants shall not impede the end-user's right to access  
6 and distribute information and content, use and provide applications and services and use  
7 terminal equipment of their choice, regardless of the end user's or provider's location or the  
8 location, origin or destination of the information, content, application or service via their data  
9 transmission service.

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

15 (b) Paid Prioritization. – A data transmission industry participant shall not engage in  
16 paid prioritization for monetary or other consideration except when allowed by the NTC after  
17 such participant demonstrates that the practice will provide significant public interest  
18 benefit and will not disadvantage content and applications that are not prioritized or harm  
19 the open nature of the internet;

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

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

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

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

9 SEC. 14. *Administrative Penalties.* – The NTC shall require data transmission industry  
10 participants and PTEs providing data transmission services to comply with prescribed  
11 performance standards and shall impose penalties for failure to comply with such  
12 performance standards.

13 (a) Any data transmission industry participant who fails to comply with the minimum  
14 service standards set by the NTC shall be imposed a minimum penalty of a fine of not less  
15 than One hundred thousand pesos (P100,000.00) but not more than Five million pesos  
16 (P5,000,000.00) per day for every day during which such default or violation continues, until  
17 the participant fully complies: *Provided*, That if the data transmission industry participant  
18 has a gross annual income not exceeding Ten million pesos (P10,000,000.00), the penalty that  
19 may be imposed shall be equivalent to one percent (1%) to two percent (2%) of its gross annual  
20 income. The NTC is hereby authorized and empowered to impose such fine, after due notice  
21 and hearing.

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

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

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

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

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

## 7 CHAPTER V

### 8 RIGHTS OF DATA TRANSMISSION SERVICE USERS AND RESPONSIBILITIES OF 9 DATA TRANSMISSION SERVICE PROVIDERS

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

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

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

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

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

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

26 Subject to the filing of a formal request to the data service provider, a user may request  
27 the immediate termination of service without the imposition of fees or penalties, and with  
28 the refund of any fee or charge already paid by the user, should a data service provider not  
29 consistently comply with paragraphs (a), (d), and (e) of this section or any other minimum  
30 performance standards set by the NTC.

## 31 CHAPTER VI

### 32 FINAL PROVISIONS

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

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

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

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

16 The JCOCOADT shall be composed of five (5) members from the Senate and five (5)  
17 members from the House of Representatives, in addition to the Chairperson of the Senate  
18 Committee on Science and Technology and the Chairperson of the House of Representatives  
19 Committee on Information and Communications Technology: *Provided, That* two (2)  
20 members of each chamber's nominees shall come from the ranks of the minority party/bloc.

21 The Chairperson of the Senate Committee on Science and Technology and the  
22 Chairperson of the House of Representatives Committee on Information and  
23 Communications Technology shall act as Cochairpersons of the JCOCOADT. The ranking  
24 minority members nominated by both the Senate and the House of Representatives shall act  
25 as CoVice Chairpersons. The Secretariat of the JCOCOADT shall come from the existing  
26 Secretariat personnel of the Committee on Science and Technology of the Senate and the  
27 Committee on Information and Communications Technology of the House of Representatives.  
28 The JCOCOADT shall have its own independent counsel.

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

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

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

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

3        Approved.