



Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

NINETEENTH CONGRESS  
First Regular Session

HOUSE BILL NO. 4190



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INTRODUCED BY REP. HARRIS CHRISTOPHER M. ONGCHUAN

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#### EXPLANATORY NOTE

Access to the internet has become a basic necessity, and many households are reliant on it in order to access educational materials and employment. Despite this, many Filipinos still struggle to connect to the internet primarily due to financial constraints or limited coverage on the part of Internet Service Providers. Therefore, in order to create an environment for sustainable development and economic growth, the state must invest in universal access to the internet.

According to the Department of Information and Communications Technologies only 20% of households in the Philippines have internet access, this is a meager number when compared to other Southeast Asian countries such as Malaysia with 90% or Singapore with 100%. Partly responsible are government regulations that charge pricey spectrum user's fees (SUF) when connected to wi-fi.

This piece of legislation seeks to waive government sanctioned fees for users and Public Telecommunications Entities operating in Wi-Fi frequencies specified in this act.

In the 18th Congress, this bill was filed by Rep. Paul Ruiz Daza and Jose "Bong" Teves Jr. and was passed on the third reading. Although it was transmitted to the Senate, failure to act on this piece of legislation resulted in its refiling.

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

  
HARRIS CHRISTOPHER M. ONGCHUAN



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Introduced by Representative  
**HARRIS CHRISTOPHER M. ONGCHUAN**

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**AN ACT**  
**ESTABLISHING A ZERO SPECTRUM USE FEE POLICY FOR PHILIPPINE**  
**TELECOMMUNICATIONS ENTITIES USING WI-FI FREQUENCY BANDS OR**  
**SPECTRUM**

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

**SECTION 1.** Short Title. - This Act shall be known as the "Zero Spectrum User Fee for Telcos Using Wi-Fi Act".

**SECTION 2.** Declaration of Policy. – The State recognizes the vital role of telecommunication in nation building and as such, it shall implement measures to provide communication standards suitable to the needs and aspirations of the nation.

As a scarce public resource, the State shall manage the use of the radio frequency spectrum in the interest of the public and in accordance with international agreements and conventions to which the Philippines is a signatory. Towards this end, the government shall allocate the radio frequency spectrum to promote the adoption of appropriate technologies and best practices, an interference-free environment, and the highest service standards and shall assign the radio frequency spectrum to service providers capable of efficiently and effectively using it to meet public demand for telecommunications and data transmission services.

**SECTION 3. Objectives.** – This Act aims to:

- a) Establish a policy and regulation that will reduce to zero the spectrum user fee (SUF) 15 paid by telecommunications entities to the national government, to enable the proliferation of the Wi-Fi technology usage and infrastructure development, and eventually lower the cost of delivering telecommunications services to end users;
- b) Promote the acceleration of internet use in the country and the expansion of Wi-Fi technology and infrastructure in unserved and underserved areas so the poor and underprivileged will have access to reliable, accessible and affordable connectivity;
- c) Encourage and empower the small players in the industry to provide affordable internet services especially in the unserved and underserved areas; and
- d) Adopt a license-free, zero SUF policy in accordance with best international practices, and protect public interest by limiting the use of outdoor Wi-Fi frequency access points or base stations and links to the government and duly enfranchised public telecommunications entities.

**SECTION 4. Definition of Terms.** – As used in this Act:

- a) *Internet* refers to the biggest worldwide global computer network providing a wide variety of information and communication facilities, consisting of interconnected networks using standardized communication protocols;
- b) *Internet service provider or ISP* refers to an entity with or without a franchise, registered as a value-added service provider with the National Telecommunications Commission (NTC) and authorized to build, install, operate and maintain a network in order to offer internet access services to the public for a fee;
- c) Open and unprotected frequency refers to the frequencies at 2.4-2.4835 GHz, 5.150-5.350 GHz, and 5.470-5.850 GHz. of the radio spectrum. Any frequency outside of these frequencies is a licensed frequency especially if it is included in the frequencies listed in the Department of Information and Communications Technology (DICT) policies and NTC Memorandum Circulars and issuances which are part of the National Radio Frequency Allocation Table (NRFAT);
- d) Public telecommunications entity or PTE refers to any person, firm, partnership or corporation, government or private, engaged in the provision of telecommunications services to the public for a fee;

- e) Radio frequency spectrum refers to the part of the electromagnetic spectrum with frequencies from 30Hz to 300GHz, used for communications which includes frequencies for wireless telecommunications technologies such as radio, television, and radar;
- f) Spectrum user fee (SUF) refers to the fee imposed by the government regulator in the use of a particular frequency; and
- g) Wi-Fi or Wireless fidelity refers to a type of wireless local access network technology that is based on the Institute of Electrical and Electronics Engineers' (IEEE) wireless communication standard 802.11 family and uses the 2.4 GHz and 5 GHz frequency band.

**SECTION 5. Coverage.** - This Act shall cover Wi-Fi frequencies at 2.4-2.4835 GHz, 5.150-5.350 GHz, and 5.470-5.850 GHz, and any other frequency band that the NTC may deem open and unprotected after due notice and hearing. This Act shall in no way amend or repeal Republic Act No. 10929, otherwise known as "The Free Internet Access in Public Places Act".

**SECTION 6. Establishing a Zero Spectrum User Fee.** – The State through the DICT and the NTC shall not impose a levy, charge, or collect fees from PTEs and other users for their use of frequencies as specified in this Act: Provided, That PTEs shall not interfere with each other's Wi-Fi airwaves or with any licensed radio stations in the course of their operations, thereby effectively establishing a zero SUF.

**SECTION 7. Implementing Rules and Regulations (IRR).** – Within sixty (60) days from the effectivity of this Act, the DICT as the lead agency, together with the NTC and representatives from the telecommunications sector shall promulgate the necessary rules and regulations for the effective implementation of the provisions of this Act.

**SECTION 8. Joint Congressional Oversight Committee (JCOC).** - There is hereby created a Joint Congressional Oversight Committee to monitor the effective implementation of this Act, recommend the necessary remedial or administrative measures and perform such other duties and functions as may be necessary to attain the objectives of this Act.

The oversight committee shall be composed of eight (8) members, with the Chairpersons of the Senate Committee on Public Services and the House of Representatives' Committee on Information and Communications Technology as Co-Chairpersons. The three (3) members from each House, shall be designated by the Senate President and the Speaker of the House of Representatives, respectively: Provided, That at least one (1) member from each House shall be nominated by their

respective Minority Leaders. The secretariat of the JCOC shall be the existing secretariat personnel of the concerned Committees of both Houses of Congress.

**SECTION 9.** Suppletory Application. - The provisions of Republic Act No. 10844 also known as the “Department of Information and Communications Technology Act of 2015” and other laws consistent with this Act shall have suppletory application.

**SECTION 10.** Separability Clause. – If any provision of this Act is declared unconstitutional or invalid, other parts or provisions hereof not affected thereby shall continue to be in full force and effect.

**SECTION 11.** Repealing Clause. – All laws, presidential decrees, executive orders, presidential proclamations, rules and regulations or parts thereof contrary to or inconsistent with this Act are hereby repealed, superseded or modified accordingly.

**SECTION 12.** Effectivity. – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

*Approved.*