



HOUSE OF REPRESENTATIVES

H. No. 5225

BY REPRESENTATIVES TAMBUNTING, HERRERA-DY, ROMAN, ELAGO, SANTOS-RECTO, BAGUILAT, YAP (V.), PRIMICIAS-AGABAS, HOFER, ONG (H.), ARENAS, ABAYA, VIOLAGO, PINEDA, GARCIA (J.E.), ROA-PUNO, BERTIZ, CUA, VELARDE, ANTONIO, SAVELLANO, SY-ALVARADO, NIETO, ROMERO, MENDING, MONTORO, BELARO, ATIENZA, AGLIPAY-VILLAR, CANAMA, SALON, LAZATIN, ESCUDERO, ALONTE, CALIXTO-RUBIANO, VARGAS-ALFONSO, REVILLA, PANGANIBAN, AGGABAO, ANGARA-CASTILLO, TY, YU, ESPINO, DE JESUS, ALVAREZ (P.), BOLILIA, CUEVA, SUANSING (E.), FARIÑAS, BONDOC, DEFENSOR, MERCADO, CRISOLOGO, GONZALES (A.D.), NOEL, GULLAS, GONZALES (A.P.), PIMENTEL, MATUGAS, GARIN (R.), DE VENEZIA, LOPEZ (B.), ORTEGA (V.N.), NOGRALES (J.J.), SALO, SUAREZ, GARBIN, DE VERA, BRAVO (A.), ROQUE (H.), CAMPOS, ABAYON AND MACEDA, PER COMMITTEE REPORT NO. 164

AN ACT MANDATING THE PROVISION OF FREE WI-FI INTERNET ACCESS IN PUBLIC AREAS

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
2 Public Wi-Fi Act”.
- 3 SEC. 2. *Declaration of Policy.* – The State recognizes the vital role of
4 information and communications technology in nation-building. Pursuant
5 thereto, the State shall develop the country’s human resources to foster an
6 information-technology intensive country through appropriate policies,
7 infrastructure, facilities and training programs.

1 The State shall create an information-friendly environment and shall
2 encourage the active participation of the private sector, local government units
3 (LGUs) and community-based organizations in the production, distribution
4 and application of investments and services in telecommunications and
5 information technology to ensure the availability, diversity, and affordability
6 of such products and services for national development.

7 **SEC. 3. *Installation of Wireless Internet Connections.*** – The
8 government, including LGUs and government-owned and -controlled
9 corporations, shall install broadband hotspots in public areas that will provide
10 a stable and reliable wireless internet connection at all times, thereby
11 encouraging discourse and trade in internet-related goods, services, and
12 content.

13 Areas that will be provided with broadband hotspots shall include the
14 following:

15 (a) All buildings of national government offices, including their
16 regional and satellite offices, provincial capitols, and city and municipal halls;

17 (b) Public primary and secondary schools;

18 (c) Buildings of state universities and colleges;

19 (d) Public libraries, parks, and plazas;

20 (e) Barangay reading centers;

21 (f) Public hospitals and rural health units; and

22 (g) Public transportation terminals such as airports, seaports, Metro
23 Rail Transit (MRT)/Light Rail Transit (LRT) stations and public bus
24 terminals.

25 **SEC. 4. *Internet Service Provider.*** – Consistent with the objective of
26 providing internet service for all, the Department of Information and
27 Communications Technology (DICT) shall provide the internet connectivity
28 necessary to comply with the provisions of this Act. The internet connectivity
29 infrastructure required for a mesh of networks shall cover public spaces

1 throughout the country that will be provided with broadband hotspots.
2 In cases where the DICT is unable to provide internet connectivity, said
3 hotspots shall be made available using initially the services of existing
4 commercial internet service providers (ISPs).

5 The DICT shall ensure that the minimum internet speed is ten (10)
6 megabits per second (Mbps). In order to meet the prescribed minimum
7 connection standard, the government agencies, together with the ISPs, shall
8 modify, improve, or change the telecommunications lines and systems or
9 expand the infrastructure to run on higher capacity bandwidths based on the
10 number of expected and actual users. The ISP shall guarantee to continuously
11 develop the system and work towards providing an average internet
12 connection speed above global average or the requirement prescribed in this
13 Act, whichever is higher.

14 The DICT shall lead in the promotion and implementation of the
15 government's information and communications technology (ICT) industry
16 development program which shall include the formulation of enabling policies
17 and ensuring the establishment and maintenance of a national broadband
18 infrastructure.

19 *SEC. 5. Wi-Fi Access.* — Within a period of two (2) years from the
20 effectivity of this Act, all public areas as stated in Section 3 of this Act shall
21 be provided a range of broadband hotspots. Internet connection to any of
22 the broadband hotspots in the designated public spaces shall not be restricted
23 with passwords. Only in cases where there is a clear and present security or
24 technical risk that cannot be remedied through normal technical solutions shall
25 the administration or management of public broadband hotspots limit access to
26 the network through the use of passwords, which can be provided to the public
27 only upon request.

28 No fees shall be collected from users to connect to the internet using the
29 public broadband hotspots or the free public wi-fi network.

1 SEC. 6. *Non-collection of Data.* – The government shall respect the
2 privacy of citizens who use the public broadband hotspots. In no case shall the
3 administration or management of said public broadband hotspots engage in the
4 collection, use, or disclosure of user data, including the collection of
5 anonymous traffic data, in accordance with existing laws.

6 SEC. 7. *Annual Report.* – The DICT shall prepare an annual report
7 on the status of the implementation of this Act, which shall be submitted
8 to the President of the Philippines, the Senate President and the Chairperson
9 of the Senate Committee on Science and Technology, the House Speaker and
10 the Chairperson of the House Committee on Information and Communications
11 Technology.

12 SEC. 8. *Implementing Rules and Regulations.* – Within ninety (90)
13 days from the effectivity of this Act, the DICT, in coordination with relevant
14 agencies, shall promulgate the necessary rules and regulations for the effective
15 implementation of this Act.

16 SEC. 9. *Separability Clause.* – If any provision or part hereof is held
17 invalid or unconstitutional, the other provisions not otherwise affected shall
18 remain valid and subsisting.

19 SEC. 10. *Repealing Clause.* – All laws, decrees, issuances, orders,
20 letters of instruction, rules and regulations or portions thereof contrary to or
21 inconsistent with any of the provisions of this Act are hereby repealed,
22 modified or amended accordingly.

23 SEC. 11. *Effectivity.* – This Act shall take effect fifteen (15) days after
24 its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,