

22 OCT 12 P2:33

**SENATE**

Senate Bill No. 1381

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Introduced by **Senator JUAN MIGUEL F. ZUBIRI**

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**AN ACT**  
**REQUIRING ALL PUBLIC TELECOMMUNICATIONS ENTITIES AND INTERNET  
SERVICE PROVIDERS TO INCREASE SERVICE COVERAGE AND DELIVER A  
MINIMUM STANDARD FOR INTERNET CONNECTION SPEED**

**EXPLANATORY NOTE**

The demand for reliable and accessible Internet services in the Philippines has never been more pronounced than in the wake of the COVID-19 pandemic. With the rapid shift to remote learning and telecommuting, we witnessed stories of teachers and students climbing roofs to get service<sup>1</sup> or people struggling to attend an online meeting—proof of the difficulties of poor Internet coverage and quality of service.<sup>2</sup>

With the economy irreversibly transformed by digitalization, Filipinos continue to clamor for better Internet services. A survey conducted by global IT firm Cisco showed 91% of workers believe the Philippines needs dramatic improvements in Internet quality.<sup>3</sup> A study by the United Nations and the World Bank also found evidence that primary students experienced slow or little progress in such basic skills as reading and comprehension, due in part to many households lacking Internet access and relying instead on paper-based modules.<sup>4</sup>

While download speeds have gradually improved over the years, Ookla's Speedtest Global Index as of April 2022 shows that Internet speed in the country is still among the slowest in ASEAN-6.<sup>5</sup> Opensignal, which also measures broadband performance, found that in January 2022 many Filipinos still experienced poor data services, even with 4G and 5G,<sup>6</sup> and experienced slower speeds than advertised.<sup>7</sup> Poor performance on other important measures of Internet service quality, such as upload speeds, latency, jitter, and packet loss, which affect transmission of data also contribute to poor adoption of digital applications such as digital banking, telehealth, and ecommerce.<sup>8</sup>

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<sup>1</sup> Lopez, E. (2021, January 7). *Scaling roofs and mountains, Filipino students battle to take online classes*. Reuters via Interaksyon. <https://interaksyon.philstar.com/trends-spotlights/2021/01/07/183184/scaling-roofs-and-mountains-filipino-students-battle-to-take-online-classes/>

<sup>2</sup> Ochave, R. M. (2020, July 1). *Filipinos struggle to work from home in Internet-challenged country*. BusinessWorld. <https://www.bworldonline.com/editors-picks/2020/07/01/302604/filipinos-struggle-to-work-from-home-in-Internet-challenged-country/>

<sup>3</sup> Gonzales, G. (2022, April 21). *91% of PH workers believe Internet infrastructure needs to improve faster – survey*. Rappler. <https://www.rappler.com/technology/workers-philippines-believe-Internet-infrastructure-needs-improve-faster-cisco-study/>

<sup>4</sup> Baclig, C. E. (2022, April 8). *When 10-year-olds can't read: The dulling of PH education*. Philippine Daily Inquirer. <https://newsinfo.inquirer.net/1580203/when-10-year-olds-cant-read-the-dulling-of-ph-education>

<sup>5</sup> Ookla Speedtest Global Index. (2022, April). <https://www.speedtest.net/global-index>

<sup>6</sup> Fenwick, S. (2022, April 5). *Understanding mobile experience explains why users in the Philippines switch mobile operators*. Opensignal. <https://www.opensignal.com/2022/04/05/understanding-mobile-experience-explains-why-users-in-the-philippines-switch-mobile-operators>

<sup>7</sup> Camus, M. (2021, September 9) *Dito defends Internet speed results after other tests show slowdown*. <https://business.inquirer.net/330380/dito-defends-Internet-speed-results-after-other-tests-show-slowdown>

<sup>8</sup> Better Internet PH. (2021, September 15). *Why Download Speed is Not Everything*. <https://medium.com/@betterInternetph/why-download-speed-is-not-everything-e2e4f8f36665>

Global best practices emphasize the importance of creating rules to ensure that the service consumers receive is within an acceptable range of the advertised speeds, service reliability, and other measures of Internet quality.

Likewise, high quality Internet service will help improve agriculture, environmental protection and disaster management projects nationwide.

To institutionalize a mechanism for a comprehensive and regular measure of Internet quality of service in the Philippines, this bill aims to:

- Regularly monitor and analyze nationwide data on Internet connectivity and formulate broadband development plans with the necessary policy to improve Internet services;
- Set minimum standards for broadband quality of service, such as reliability (percentage of advertised speed consistently provided by an ISP to subscribers over a given period of time) and minimum download speed (the lowest level of download speed that service providers are allowed to deliver to a subscriber);
- Enforce compliance to performance standards and penalize service providers who consistently fail to deliver the acceptable level of broadband quality of service; and
- Promote the rights and welfare of broadband end users.

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



**JUAN MIGUEL F. ZUBIRI**

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**AN ACT  
REQUIRING ALL PUBLIC TELECOMMUNICATIONS ENTITIES AND  
INTERNET SERVICE PROVIDERS TO INCREASE SERVICE COVERAGE AND  
DELIVER A MINIMUM STANDARD FOR INTERNET CONNECTION SPEED**

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

1           **Section 1. Short Title.** – This Act shall be known as the "*Better Internet*  
2 *Act*".  
3

4           **Sec. 2. Declaration of Policy.** – The State recognizes the importance of  
5 technological advancements in nation building, economic development, and  
6 promotion of people's well-being and as such, it endeavors to ensure the provision  
7 of strategic, reliable, cost-efficient, and citizen-centric information and  
8 communication technology (ICT) infrastructure, systems, and resources to  
9 guarantee that the population has access to high quality, and affordable ICT  
10 services.  
11

12           In line with this, the State shall ensure that all Public Telecommunications  
13 Entities (PTEs) and Internet Service Providers (ISPs) will continuously upgrade  
14 their facilities and improve their services to be responsive to the growing demand  
15 for quality Internet access services.  
16

17           **Sec. 3. Definition of Terms.** – As used in this Act, the following terms  
18 are defined as follows:

- 19           a) *Bandwidth* shall refer to the data transfer rate or the amount of data  
20 that can be carried from one point to another in a given time period  
21 expressed in bits per second or multiples of it;  
22
- 23           b) *Broadband* shall refer to high-speed Internet service that is always on  
24 and faster than traditional dial-up access transmitted through various  
25 wired or wireless data transmission technologies such as, but not limited  
26 to, digital subscriber line (DSL), cable modem, fiber optic cable, fixed  
27 wireless, satellite, cellular mobile, and TV white space, and other  
28 evolving and emerging technologies as may be developed in the future;  
29
- 30           c) *Cellular towers* shall refer to passive telecommunication tower  
31 infrastructure, including, but not limited to, (i) three-legged or four-

1 legged structure, (ii) poles, or (iii) mast, or (iv) similar infrastructure  
2 used to support mobile cellular network facilities;  
3

4 d) *Compliance period* shall refer to the first two (2) years from the  
5 effectivity of this Act within which all ISPs and PTEs are required to  
6 comply with the minimum broadband download speeds set forth in this  
7 Act;  
8

9 e) *Greenfield service area* refers to a barangay where an Internet Service  
10 Provider is completely absent or that has Internet connection but does  
11 not reach an average minimum broadband speed of two (2) megabits  
12 per second (mbps), or as prescribed by the DICT, whichever is higher;  
13

14 f) *Internet Service Providers* or ISP shall refer to an entity, with or without  
15 a Congressional franchise, registered as a value-added service (VAS)  
16 provider from the National Telecommunications Commission (NTC) to  
17 build, install, operate, and maintain an Internet network in order to offer  
18 Internet access services to the public for compensation;  
19

20 g) *Jitter* shall refer to the variation of end-to-end delay from one packet to  
21 the next within the same packet stream, connection, or flow;  
22

23 h) *Latency* shall refer to the time it takes for a packet of data to get from  
24 a source to destination;  
25

26 i) *Packet* shall refer to the unit of data that is routed between an origin or  
27 source and a destination on the Internet or any other packet-switched  
28 network;  
29

30 j) *Packet Loss* shall refer to the number of packets that does not reach the  
31 destination;  
32

33 k) *Service reliability or "uptime"* refers to the delivery of a certain  
34 percentage of advertised speed to a subscriber over a given time;  
35

36 l) *Public Telecommunications Entity* or PTEs shall refer to any person,  
37 firm, partnership or corporation, government or private, engaged in the  
38 provision of telecommunications services to the public for compensation;  
39

40 m) *National ICT Household Plan* refers to the plan for the improvement of  
41 ICT access and use, including broadband access, by households and  
42 individuals developed by the Department of Information  
43 Communications Technology (DICT) on the basis of information  
44 gathered from the National ICT Household Survey;  
45

46 n) *Threshold Speed* refers to the minimum upload and download speeds  
47 that an ISP or PTE must provide to their end user as entry-level  
48 broadband service;  
49

50 o) *Unserved Area* refers to a specific population or land area of a  
51 city/municipality where broadband access service is not available, as  
52 identified by the National ICT Household Plan; and  
53

1 p) *Underserved Area* refers to a specific population or land area of a  
2 city/municipality where broadband access service is covered and  
3 available, but below the threshold speed. The underserved areas shall  
4 be identified by the National ICT Household Plan while the threshold  
5 speed shall be determined by this Act and, subsequently, by the NTC.  
6

7 **Sec. 4. Increase in service coverage.** – The NTC shall require all ISPs  
8 and PTEs to extend and expand the service coverage of wired and wireless  
9 broadband service in all unserved and underserved areas in the Philippines within  
10 within two (2) years from the effectivity of this Act (the "Compliance Period"),  
11 according to the schedule and strategy to be set forth by the DICT in the National  
12 ICT Household Plan.  
13

14 The DICT shall develop the National ICT Household Plan, identify therein  
15 unserved and underserved areas and devise a plan of action to ensure Internet  
16 services shall be made available at the household level. The DICT shall make such  
17 Information and plans public within sixty (60) days from the effectivity of this Act;  
18 *Provided*, that subject to regulatory requirements, ISPs shall be allowed to own,  
19 establish, and operate wired and wireless networks, utilizing any available  
20 technology, in order to meet their obligations under this Act. ISPs shall be allowed  
21 access to unlicensed radio spectrum necessary to enable them to utilize wireless  
22 technologies to provide Internet service: *Provided* further, that ISPs shall not build  
23 international carrier, Inter-exchange carrier, local exchange carrier, and mobile  
24 radio telephone networks reserved for PTEs, as provided for in Republic Act No.  
25 7925, otherwise known as the Public Telecommunications Policy Act of the  
26 Philippines.  
27

28 **Sec. 5. Delivery of advertised speed** – Within one (1) year from the  
29 effectivity of this Act the National Telecommunications Commission (NTC) is  
30 hereby mandated to require all PTEs and ISPs to only advertise and offer Internet  
31 service download speeds that they can consistently provide and work towards  
32 providing an average Internet connection speed above global average. PTEs and  
33 ISPs shall deliver eighty (80) percent of advertised broadband speed to their  
34 subscribers at eighty (80) per cent service reliability or eighty (80) per cent of the  
35 time: *Provided*, That the entry-level broadband connection speed offered by ISOs  
36 or PTEs to subscribers shall not be lower than the following:

- 37 a) Twenty (20) Megabits per second (Mbps) for wired broadband and ten  
38 (10) Mbps for wireless broadband in metropolitan cities;  
39  
40 b) Ten (10) Mbps for wired broadband and five (5) Mbps for wireless  
41 broadband in all other cities; and  
42  
43 c) Five (5) Mbps for wired broadband and two (2) Mbps for wireless  
44 broadband in rural areas.  
45

46 PTEs and ISPs shall have two (2) years from the effectivity of this Act to  
47 ensure that they provide, as a minimum, the threshold speeds to their end users;  
48 *Provided*, That PTEs and ISPs that will expand coverage and offer Internet services  
49 in "Greenfield service areas" or previously unserved and underserved areas, as  
50 identified by the DICT, shall not be subjected to the minimum download speed for  
51 the next five (5) years.  
52

53 The NTC shall conduct a regular review of technological advancements in  
54 the field of communications and data transmission to determine the necessity of

1 adjusting the minimum speed standards hereby set in this Act; Provided, That  
2 Internet speed and service reliability of Internet connections delivered by service  
3 providers shall be measured based on the methodology prescribed by the NTC.  
4

5 After the end of the compliance period, it shall be considered a violation of  
6 this Act, subject to the penalties provided in Sec. 15 of this Act, to offer paid  
7 Internet service below the threshold speed. For the avoidance of doubt, there shall  
8 be no minimum speed required for free Internet service; *Provided*, however, that  
9 service provided under the Free Internet Access in Public Places Act or RA 10929  
10 shall meet the minimum speeds prescribed therein or in the relevant rules of the  
11 DICT for free Internet service programs.  
12

13 **Sec. 6. Annual Review of Service Standards.** - The NTC shall review,  
14 on an annual basis, the level of threshold speeds and prescribe the threshold  
15 speeds and other quality of service standards, such as upload and download  
16 speeds, packet loss, jitter, latency, and service availability, to provide subscribers  
17 average Internet connection speeds equal to, or above, what is prevalent among  
18 Asia Pacific countries and the global average; *Provided*, that the NTC may not  
19 decrease the threshold speeds set forth under this Act.  
20

21 **Sec. 7. Measurement and Publication of Broadband Quality of**  
22 **Service (QOS).** – In order to monitor and enforce compliance of PTEs and ISPs,  
23 the NTC shall:

- 24 a) In coordination with DICT, prescribe a criteria and methodology for the  
25 measurement and publication of broadband quality of service, including  
26 parameters such as download speed, upload speed, latency, packet loss,  
27 jitter, and service availability, with appropriate benchmarks, after public  
28 consultation and hearings within six (6) months from the effectivity of  
29 this Act;  
30
- 31 b) Provide the public a mechanism to run broadband diagnostics in a secure  
32 and consumer-friendly format;  
33
- 34 c) Develop a procedure for collecting and analyzing broadband QOS  
35 measurements from various platforms and processing test data in a  
36 central database, which shall update and release results every twenty-  
37 four (24) hours, at the least;  
38
- 39 d) Make publicly available on the NTC website and other media the criteria  
40 and methodology for the broadband QOS measurement tool and the list  
41 of platforms using the NTC-prescribed broadband measurement  
42 mechanism;  
43
- 44 e) After the two-year compliance period, review compliance of PTEs and  
45 ISPs with the minimum download speeds and prescribe an upgrade on  
46 an annual basis, the minimum broadband download speed and quality  
47 of service (QOS) standards, on Internet industry to ensure that  
48 performance standards shall, at a minimum, be at par with service levels  
49 established in regional data network performance indices and aligned  
50 with international best practices. Such QOS standards shall take into  
51 account speed, packet loss, jitter, latency, and service availability;  
52 *Provided*, That the NTC shall not decrease the minimum speeds set forth  
53 in this Act. *Provided*, Further, That new performance standards shall be  
54 published at least Thirty (30) days before they take effect.

- 1  
2 f) Diligently monitor and conduct monthly network audits and/or QOS tests  
3 in order to ensure compliance of the PTEs and ISPs with threshold  
4 speeds, advertised speeds, and coverage obligations, and publish its  
5 network audit report on a monthly basis; and,  
6  
7 g) Publish the results of all the NTC's network audits, broadband QOS  
8 tests, and the results of the consumer broadband QOS tests on their  
9 official website and social media accounts on a monthly basis, and  
10 furnish a copy of the same to the DICT. Such reports should be in a  
11 format that can easily be analyzed by third party data scientists.  
12

13 **Sec. 8. Consumer Protection.** - PTEs and ISPs shall not advertise nor  
14 offer Internet service speeds that they cannot consistently provide. PTEs and ISPs  
15 shall provide to their subscribers eighty (80) per cent of their advertised speed  
16 available at eighty (80) of the time. Speed and reliability shall be measured based  
17 on the prescribed measurement methodology by the NTC.  
18

19 **Sec. 9. Responsibilities of the DICT.** – In addition to responsibilities  
20 imposed in other sections of this Act, the DICT shall:

- 21 a) Maintain and make public a National ICT Assets Index (NICTAI), which  
22 shall be updated on an annual basis, in order to provide accurate data  
23 on broadband coverage and ICT adoption and utilization in the country;  
24  
25 b) Conduct the National ICT Household Survey and publish the National  
26 ICT Household Plan every three (3) years, and identify unserved and  
27 underserved areas for purposes of this Act;  
28  
29 c) Regularly review and update ICT policy guidelines, strategies and plans,  
30 including, but not limited to, the National Broadband Plan to ensure that  
31 the Philippines' Internet service policy framework is at par with global  
32 standards and best practices; and  
33  
34 d) Ensure the delivery of Internet services at the household level through  
35 a schedule and plan of action that includes, but is not limited to,  
36 infrastructure sharing and co-location arrangements;  
37

38 **Sec. 10. Responsibilities of the NTC.** – In addition to responsibilities  
39 imposed in other sections of this Act, the NTC shall:

- 40 a) Ensure that PTEs and ISPs meet the minimum standards regarding  
41 connection, reception, just pricing, and billing practices to promote and  
42 protect the rights of consumers of Internet services;  
43  
44 b) Determine whether the ICT industry has built out the optimal number  
45 of towers and other infrastructure necessary to meet the objectives of  
46 this law;  
47  
48 c) Promulgate an efficient and expeditious administrative process for the  
49 registration of Internet service providers and shall, in coordination with  
50 the DICT, develop a set of criteria for qualifying service providers that  
51 will encourage the widest possible participation of as many industry  
52 players as possible who will build the necessary Internet network  
53 Infrastructure and offer Internet services to end users in different parts  
54 of the country and will take national security into consideration,

1 particularly for facilities that interface directly with another country's  
2 domestic network;

- 3  
4 d) Publish a spectrum management policy framework that promotes a  
5 transparent, efficient, and equitable approach to distributing spectrum,  
6 including clear guidelines for: (i) recalling unutilized spectrum, (ii)  
7 reassigning spectrum for more efficient use, and (iii) implementing an  
8 open frequency approach to expand Internet access in underserved and  
9 unserved areas, to be developed together with the DICT and the  
10 Philippine Competition Commission;
- 11  
12 e) Provide the public with annual reports on the performance of PTEs and  
13 ISPs in terms of increasing Internet coverage and meeting the threshold  
14 download speeds;
- 15  
16 f) Provide policies and standards of network elements to ensure that PTEs  
17 and ISPs will maintain the Quality of Service (QOS) of the Internet  
18 connection they provide to their respective area of coverage;
- 19  
20 g) Provide for an expeditious mechanism to address consumer complaints  
21 on slow Internet speed and false advertising of Internet speeds; and,  
22
- 23 h) Establish an efficient monitoring system or framework with regard to the  
24 PTEs and ISPs' management of consumer complaints and maintain  
25 records of subscribers' complaints.  
26

27 **Sec. 11. Reports to Congress.** – The DICT and NTC shall submit a  
28 quarterly progress report to Congress of all acts performed pursuant to this Act  
29 during the first week after the immediately preceding quarter for the next two (2)  
30 years from the effectivity of this Act.  
31

32 **Sec. 12. Streamlining Permitting Requirements.** – The DICT and  
33 other relevant government agencies including, but not limited to, the Department  
34 of Interior and Local Government (DILG), Department of Public Works and  
35 Highways (DPWH), Department of Human Settlements and Urban Development  
36 (DHSUD), Anti-Red tape Authority (ARTA), Civil Aviation Authority of the  
37 Philippines (CAAP), Department of Health (DOH), and the Food and Drug  
38 Administration (FDA) shall ensure the streamlining of the permitting process for  
39 the construction, installation, and operation of telecommunications tower and  
40 other infrastructure such as, but not limited to, permits for base stations, cables,  
41 poles, and other work elements necessary to offer Internet service.  
42

43 The DICT shall set up a one-stop shop that shall coordinate with other  
44 regulatory agencies regarding the permitting requirements and applicable  
45 regulatory fees for installing common towers, cables, poles, and other network  
46 elements in order to facilitate the attainment of the objectives of this Act.  
47

48 To facilitate the expeditious planning of the country's ICT Infrastructure, all  
49 PTEs and ISPs are required to submit, within fifteen (15) working days upon the  
50 request of the DICT or the NTC, a copy of their most updated and complete  
51 broadband network map, enabling the government to draw up incentive plans and  
52 opportunities in order to boost Internet service and compel the creation of the  
53 infrastructure essential for overall economic growth.  
54



1                   **Section 13. Rights of end-users.** – The user of Internet services shall  
2 have the following basic rights:

- 3                   a) To be entitled to Internet services which is non-discriminatory, reliable,  
4                   and conforming with minimum standards set by the NTC;  
5  
6                   b) To be rendered Internet services within two (2) months from application  
7                   for service, in areas where the service is advertised to be available;  
8  
9                   c) Timely correction of errors in billing or in prepaid load and the  
10                  immediate provision of rebates or refunds by the service provider  
11                  without the need for demand by the user; and  
12  
13                  d) Subject to the filing of a formal request to the service provider, a user  
14                  may request the immediate termination of service without the imposition  
15                  of fees or penalties and with the refund of any fee or charge already  
16                  paid by the user, should a service provider not consistently comply with  
17                  preceding paragraphs (A), (C), (D), or any minimum performance  
18                  standards set by the NTC.  
19

20                   **Sec. 13. Local Government Units (LGUs) as Partners in Broadband**  
21 **Infrastructure Development.** – The LGU shall serve as a strategic partner who  
22 shall ensure that all LGU-related permits and requirements necessary to expand  
23 Internet coverage and improve quality of Internet service shall be acted upon  
24 Immediately. In order to ensure that all municipalities and barangays have access  
25 to Internet facilities, an LGU shall be allowed to build and operate its own  
26 broadband network in partnership with PTEs and ISPs.  
27

28                   **Sec. 14. Infrastructure Sharing and Co-location.** –

- 29                   a) The DICT shall promulgate policies, rules, and regulations, in  
30                   coordination and/or jointly with the concerned national government  
31                   agencies, government owned and operated corporations, and local  
32                   government units, to ensure that infrastructure, whether existing or built  
33                   in the future, necessary or capable of supporting data transmission  
34                   networks or services are:  
35  
36                   (i) mandatory for open access and made available for co-location  
37                   and co-use by the owner of network facilities, equipment, and  
38                   infrastructure on an open, fair, and non- discriminatory basis to  
39                   any access seeker's network facilities;  
40                   (ii) as far as possible, deployed together with roadworks, pipe-laying,  
41                   and other Infrastructure development by both government and  
42                   private entities; and  
43                   (iii) propagated in the most cost-efficient and timely manner through  
44                   various means. Including encouraging the operation of  
45                   independent entities that build and operate towers, dark fiber,  
46                   and utility corridors, among other infrastructure that help  
47                   facilitate broadband network deployment.  
48  
49                   b) The DICT shall, in coordination with the Philippine Competition  
50                   Commission and other relevant government agencies, promulgate  
51                   policies, rules, and regulations to ensure that buildings, condominiums,  
52                   villages, towns, and subdivisions are all built with facilities, such as cable  
53                   entrances, ducts, and risers, that allow non-discriminatory and non-

1 exclusive access to multiple service providers, in order for PTEs and ISPs  
2 to provide Internet service;

3  
4 c) In case of a dispute arising from an infrastructure-sharing arrangement,  
5 the DICT shall:

6  
7 (i) Coordinate with the regulator of the infrastructure;

8 (ii) Mediate between a PTE or ISP and an infrastructure owner, which  
9 may include a PTE, an ISP, or a public service network provider;  
10 and/or

11 (iii) Serve as the primary enforcer of this provision.

12  
13 d) The DICT shall encourage the use of existing infrastructure, such as  
14 those of cable TV operators, to fast track the layout of networks, to  
15 increase coverage, and to address the problem of unserved and  
16 underserved areas;

17  
18 e) The regulator of the shared Infrastructure shall, in consultation with  
19 concerned stakeholders, determine and ensure reasonable rental rates  
20 for use of shared infrastructure such as, but not limited to, utility poles,  
21 utility corridors and ducts; and

22  
23 f) For shared infrastructure arrangements, the DICT shall also look into  
24 the following considerations:

25  
26 (i) Technical feasibility of the request of access seeker to use  
27 infrastructure;

28 (ii) Incentives to encourage investment in less commercially viable  
29 areas;

30 (iii) Fair and reasonable rates for shared facilities, depending on the  
31 location and market size in a particular area.

32  
33 All policies, rules, and regulations under this Section shall be operationalized within  
34 one (1) year from the effectivity of this Act.

35  
36 **Sec. 14. Penalties.** – The NTC may, *motu proprio* or upon complaint of  
37 any interested party, in the appropriate administrative and/or quasi-judicial  
38 process, and in accordance with due process, shall:

39 a) Require any PTE or ISP, who shall not meet the requirements set forth  
40 under, or shall not comply with the provisions of this Act, to comply with  
41 service standards that have not been met, or provisions of this Act that  
42 have been violated;

43  
44 b) Impose upon entities who do not comply with Internet service standards  
45 as laid down by Sections 4, 5, and 8 of this Act and as prescribed by the  
46 NTC:

47  
48 (i) The penalty of a fine of not less than two hundred thousand  
49 pesos (P200,000) but not more than two million pesos  
50 (P2,000,000.00) for each count of violation. Provided, that if a  
51 service provider has a gross annual income not exceeding Ten  
52 Million Pesos (PHP 10,000,000.00), the penalty shall be  
53 equivalent to one percent (1%) to two percent (2%) of its gross  
54 annual income; and

1 (ii) For repeated violations, revoke the PTE's Provisional Authority or  
2 Certificate of Public Convenience and Necessity, or cancel the  
3 registration of an ISP, whichever applies, including the waiving of  
4 any pre-termination fees of affected subscribers and timely  
5 disbursement of any remaining credits from excessive downtime.  
6

7 The foregoing is without prejudice to any other remedies available to the NTC  
8 under existing law.  
9

10 **Sec. 15. Implementing Rules and Regulations.** – Within sixty (60)  
11 days after the effectivity of this Act, the DICT and the NTC shall issue a Joint  
12 Memorandum Circular setting forth the rules and regulations to effectively  
13 implement the provisions of this Act.  
14

15 **Sec. 16. Separability Clause.** – If any portion or provision of this Act is  
16 declared unconstitutional, the remainder of this Act or any provisions not affected  
17 thereby shall remain in force and effect.  
18

19 **Sec. 17. Repealing Clause.** – Any law, presidential decree or issuance,  
20 executive order, letter of instruction, rule or regulation inconsistent with the  
21 provisions of this Act is hereby repealed or modified accordingly.  
22

23 **Sec. 18. Effectivity.** – This Act shall take effect fifteen (15) days following  
24 its complete publication in a newspaper of general circulation.  
25

26 Approved,