

[REPUBLIC ACT NO. 10929, August 02, 2017]

**AN ACT ESTABLISHING THE FREE INTERNET ACCESS PROGRAM
IN PUBLIC PLACES IN THE COUNTRY AND APPROPRIATING
FUNDS THEREFOR**

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 "Free Internet Access in Public Places Act".

SEC. 2. *Declaration of Policy.*- The State hereby recognizes the vital role of information and communications technology in nation-building, and declares its policy to promote an environment for the development of structures that would ensure the availability and accessibility to reliable and secure internet access suitable to the needs and aspirations of the nation.

Towards this end, the State shall establish a program that will provide free access to internet service in public places throughout the country , to promote knowledge-building among citizens and enable them to participate and compete in the evolving information and communication age.

SEC. 3. *Free Public Internet Access Program.*-There is hereby created a Free Public Internet Access Program, hereinafter referred to as the Program.

Under the Program:

(a) No fees shall be collected from users to connect to the public internet access points;

(b) The free internet service provided shall be separate from the internet service used for backend computer systems and programs, databases, and/or management and information systems in government offices: *Provided*, That the shared use of infrastructure shall not be prohibited; and

(c) Technical solutions that may limit or restrict access shall only be employed when there is clear and present technical risk or breach that cannot be remedied through ordinary technical solutions: *Provided*, That technical solutions that can likewise maintain or promote ease of access shall be prioritized and pursued.

SEC. 4. *Coverage of the Program.*- Public places to be covered by this Act shall include the following:

(a) National and local government offices;

(b) Public basic education institutions;

- (c) State universities and colleges, and Technical Education and Skills Development Authority (TESDA) technology institutions;
- (d) Public hospitals, health centers, and rural health units;
- (e) Public parks, plazas, libraries, and barangay reading centers;
- (f) Public airports, and seaports; and
- (g) Public transport terminals.

At the minimum, the Program shall be made available in areas within the foregoing public places where maximum use and access to the benefits shall be ensured such as, but not limited to, computer laboratories and libraries in public basic education institutions and state universities and colleges, main lobbies and hallways of public buildings or transport terminals, and at main assembly points in public parks, hospitals and health centers. Appropriate signage shall be placed in conspicuous areas of sites with access to the free internet service provided by the Program.

The Department of Information and Communications Technology (DICT) shall be authorized to set standards and qualifications in determining which public places shall be included and prioritized for the rollout of the Program.

SEC. 5. *Lead Implementing Agency.*-The DICT shall be the lead implementing agency that will oversee the effective and efficient implementation of this Act.

For purpose of administering the provisions of this Act, the DICT shall:

- (a) Within one (1) year from the effectivity of this Act, develop a comprehensive plan for the timely and effective implementation and propagation of the Program;
- (b) Coordinate with national government agencies (NGAs), local government units (LGUs), private sector, and concerned organizations to ensure that the comprehensive plan is integrated with the plans and budgets of all agencies mandated to provide free internet access under this Act;
- (c) Prescribe policies and regulations, and coordinate the timely and effective implementation of this Act;
- (d) Enter into contracts to undertake the implementation of this Act subject to existing laws and regulations;
- (e) Arrange funding for the Program from any source, whether private, government, foreign, or domestic, including official development assistance and bilateral and multilateral loans, subject to existing laws and regulations;
- (f) Ensure that the minimum internet speed per user is two megabits per second (2 Mbps) or as prescribed by the national Broadband plan, whichever is higher;
- (g) Undertake the creation, establishment, installation, maintenance, and operation of infrastructure, equipment, systems, platforms, applications, and such other

Program requirements necessary to effectively provide free internet access in public places throughout the country;

(h) Train is personnel, and institute accounting and fiscal practices for the operations of the Program, including in instances where the operation of the Program is outsourced to a qualified private party; and

(i) Prescribe regulations or subscribe to acceptable standards in the installation, construction, maintenance, and operation of infrastructure and equipment.

Provide, however, That nothing in this Act shall prohibit the DICT from providing internet connectivity by installing equipment and establishing infrastructure.

SEC. 6. *Public-Private Participation.*- To promote an efficient and cost-effective delivery of the free internet access for public places, the DICT may partner with the private sector in the implementation of the Program.

The excess capacity of private sector partners may be offered to deliver supplemental internet access service for a reasonable fee to the users in the areas where Program facilities are located: *Provided,* That said individuals or entities register to the National Telecommunications Commission (NTC) as value-added services providers.

In order to lower costs, increase and improve the free internet access for public places, private service providers are encouraged to exchange data traffic at domestic internet protocol (IP) exchanges, which may be designated by the DICT.

Internet service providers (ISPs) shall be allowed to acquire and utilize internet connectivity directly from satellites and other emerging technologies to ensure universal coverage, which when used to provide internet connectivity shall be considered value-added services.

SEC. 7. *Exclusivity Arrangements.*- Any unfair methods of competition and exclusivity arrangements in favor of a single telecommunications entity shall be prohibited to promote the free and unrestricted access to public places covered under this Act for the purpose of installation and operation of broadband facilities. The DICT, in coordination with the Philippine Competition Commission (PCC), shall issue the appropriate rules and guidelines to enforce this provision. Any violation of said prohibition shall subject the concerned government officials and employees to administrative penalties under existing civil service laws, rules and regulations.

SEC. 8. *Use of Available or Unassigned Spectrum.*- The DICT, in coordination with the NTC, shall be assigned such frequencies as it shall require for the Program: *Provided,* That this shall not cause interference to other private operators of the program, or hinder the development of the broadcast, telecommunications, internet service, or value-added services authorized by or registered with the NTC.

The use of available or unassigned spectrum may be granted to other agencies and private entities subject to transparent, fair, reasonable, and nondiscriminatory terms and conditions as specified in the guidelines jointly issued by the DICT, the NTC, and the PCC after public stakeholder consultations.