



RULES AND REGULATION IMPLEMENTING REPUBLIC ACT NO. 10929 KNOWN AS THE FREE INTERNET ACCESS IN PUBLIC PLACES ACT

PRELIMINARY PROVISIONS

Section 1. Title. – These Rules shall be referred to as the “*Rules and Regulations Implementing Republic Act No. 10929, known as the Free Internet Access in Public Places Act*”.

Section 2. Acronyms. – Whenever used herein, the words “Act”, “Secretary”, “Department”, “NTC”, “PCC”, “DILG”, “NPC” and “Program/Service” shall respectively mean the Free Internet Access in Public Places Act; the Secretary of the Department and Information and Communications Technology; the Department and Information and Communications Technology; the National Telecommunications Commission; the Philippine Competition Commission; the Department of Interior and Local Government; the National Privacy Commission and; the Free Public Internet Access Program.

Section 3. Construction. – All doubts in the interpretation and implementation of these rules shall be harmonized with the government’s program of providing free internet access to the public.

RULE I DEFINITION OF TERMS

Section 4. Definition of terms. –

Access Point – is a device that allows wireless devices to connect to a network. It is usually associated in the Wi-Fi technology having antennas to broadcast network signals.

Broadband - wide bandwidth data transmission which transports multiple signals and traffic types such as video and voice.

Carrier - a company that is authorized by regulatory agencies to operate a telecommunications system.

Internet Technology Solution Providers (ITSP) – service providers who shall supply, deliver, implement, manage and operate, partially or in whole, the backend and transport network to the Access Points (APs).

Internet Protocol (IP) – is the method or protocol by which data is sent from one computer to another on the internet. Each computer (known as a host) on



the Internet has at least one IP address that uniquely identifies it from all other computers on the Internet.

Internet Service Provider (ISP) – is literally the provider of the internet. It refers to the vendors that offer telecom, cable and internet services.

IP exchange or (IPX) – is a telecommunications interconnection model for the exchange of IP-based traffic between customers of separate mobile and fixed operators as well as other types of service provider (ISP). The adaptation of this model intends to lower the costs, increase and improve the free internet access for public places.

Jitter – is the variation in the latency on a packet flow between two systems, when some packets take longer to travel from one system to the other. Jitter results from network congestion, timing drift and route changes. Jitter is especially problematic in real-time communications like IP telephony and video conferencing. Jitter can lead to unintended deviation or inconsistency that degrades the quality of communications.

Last Mile – refers to the segment of the data transmission network that connects end-users.

Latency – is the amount of time a message takes to traverse a system. In a computer network, it is an expression of how much time it takes for a packet of data to get from one designated point to another.

National Broadband Plan - a document issued by the DICT which sets the objectives, goals, policies, and methods for establishing a nationwide broadband system in the Philippines.

Network traffic or Data traffic – is the amount of data moving across a network at a given point of time.

Packet – is the unit of data that is routed between an origin and a destination on the Internet.

Packet loss – occurs when one or more *packets* of data travelling across a computer network fail to reach their destination. *Packet loss* is typically caused by network congestion.

Spectrum – relates to the radio frequencies allocated to the mobile industry and other sectors for communication over the airwaves. All wireless communications signals travel over the air via radio frequency, aka **spectrum**.

Wireless - used to describe telecommunications in which electromagnetic waves (rather than some form of wire) carry the signal over part or all of the



communication path. Some monitoring devices, such as intrusion alarms, employ acoustic waves at frequencies above the range of human hearing; these are also sometimes classified as wireless.

Wired - furnished with wires (as for electric connections) or connected to a telecommunications network and especially to the Internet.

RULE II FREE PUBLIC INTERNET ACCESS PROGRAM

Section 5. Free Internet Access Program. – There is hereby created a Free Public Internet Access Program where no fees shall be collected from users to connect to the public internet access points.

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.

Meanwhile, 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 as may be determined by the DICT: *Provided*, That technical solutions that can likewise maintain or promote ease of access shall be prioritized and pursued.

Under the Program, the minimum internet speed per user is two megabits per second (2Mbps) or as prescribed by the National Broadband Plan, whichever is higher.

RULE III COVERAGE OF THE PROGRAM

Section 6. Coverage of the Program. – Public places to be covered by this Act shall include, but is not limited to, 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.

Section 7. Standards and Qualifications in Determining Public Places. –The DICT shall set standards and qualifications in determining which public places shall be included and prioritized for the rollout of the Program.

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.

RULE IV PROGRAM IMPLEMENTATION

Section 8. Role of the DICT. – The DICT shall be the lead implementing agency that will oversee the effective and efficient implementation of RA 10929.

National government agencies (NGAs), local government units (LGUs), private sector and concerned organizations, headed by the DICT, shall ensure the successful implementation of the program.

For purposes of administering the provisions of RA 10929, the DICT shall:

- a. Within one (1) year from the effectivity of RA 10929, 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 RA 10929;
- c. Prescribe policies and regulations and coordinate the timely and effective implementation of RA 10929;



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- 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 its personnel, and institute accounting and fiscal practices for the operation of the program, including in instances where the operations 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.
- j. Make available in the Free Public Internet Access Program a direct link to the National Government Portal so that citizens can access government services online or through Government Service Centers, such as but not limited to Tech4ED Centers, that are connected to the Program.

The installation, construction, maintenance and operation of the equipment and infrastructure shall be in accordance with PD 1096 – National Building Code, Occupational Safety and Health Administration Regulation 1910.146 and 1910.268 and Telecommunications Industry Association 569, Version C, May 2012 and other applicable standards and relevant laws, rules and regulations.

Provided, however, that nothing in RA 10929 shall prohibit the DICT from providing internet connectivity by installing equipment and establishing infrastructure.

Section 9. Free Internet Access Program Personnel. The DICT shall train its personnel, and institute accounting and fiscal practices for the operation of the Program, including in instances where the operation of the Program is outsourced to a qualified private party.



The DICT may augment its workforce and manpower in order to ensure efficient implementation of the Program, subject to existing law, rules, and regulations.

Section 10. Public-Private Participation. - The participation of private and public entities in the implementation of the program can be through the offer of its services in accordance with RA 9184, otherwise known as the Government Procurement Reform Act, and other pertinent rules and regulations.

All instances of public-private participation shall be governed by applicable laws, rules, regulations, and issuances.

Section 11. Guidelines in Public-Private Participation. Public-Private participation shall be covered by the following guidelines.

- (a) ITSP services shall be procured in accordance with laws, rules, regulations, and issuances;
- (b) A contract of participation shall be executed between the ITSP and the DICT for the implementation of the Program;
- (c) The ITSP must exchange all its data traffic at the domestic IP exchanges designated by the DICT.

Section 12. ITSP Supplemental Internet Access Service. - The ITSP excess capacity may be offered as a supplemental internet access service in addition to the free internet service offered by the DICT subject to the following conditions:

- (a) The participation agreement is not revoked or suspended due to delay, default or breach of any kind in any of its contracts, obligations, service level commitments to the DICT and the Program;
- (b) The DICT shall prescribe the services including fees of ITSP that offer both free and paid internet services in an area, Provided, that such ITSP has registered with the NTC as Value Added Service Provider;
- (c) The fee shall be reasonable and in accordance with the table of fees to be issued by the DICT subject to future modifications, which shall be updated regularly and made available to the public; and
- (d) Other Internet Service Providers may likewise offer internet service in the area being serviced by the ITSP.

Section 13. Internet Connectivity based on Satellites and other Emerging Technologies. - ITSP may acquire and utilize internet connectivity directly from



satellite service and other emerging technology providers, to ensure universal coverage which when used to provide internet connectivity shall be considered value-added services.

The NTC, DICT, and other appropriate regulatory bodies shall maintain the right to regulate and/or issue guidelines on the acquisition and use of satellites and other emerging technologies, in accordance with their mandates, other laws, rules, and regulations.

Section 14. Role of National Government Agencies and Local Government Units (LGUs) – The concerned NGAs and LGUs shall:

- (a) In coordination with the DICT and DILG, streamline the process of application, renewal and approval of permits and certificates and the regulation, standardization, and implementation of fees pertinent to the effective implementation of the Program.
- (b) Facilitate the access of telecommunications companies in government or government owned or controlled properties and facilities for the deployment and temporary storage of equipment and property needed to construct the infrastructure or install equipment necessary for the implementation of this Act.
- (c) Align or enroll their respective programs providing free access to internet service, if any, with that provided in the Act. For this purpose, NGAs and LGUs shall submit to the DICT its existing public free internet service access.
- (d) Ensure the security of installed equipment; and
- (e) Assign a designated personnel who can act as site coordinator as needed.

**RULE V
EXCLUSIVITY ARRANGEMENTS**

Section 15. Anticompetitive nature of exclusivity arrangements. – The grant of exclusivity arrangements to a single ITSP is prohibited. Instead, the Program shall promote a nondiscriminatory, free and unrestricted access to all ITSPs for the purpose of installation and operation of broadband facilities.

The provision by other individuals or entities of free or paid internet in public places shall not be prohibited, so long as such individuals or entities are registered with the NTC as value-added service providers.

Section 16. Interoperability Standards. Any ITSP, including any current operator,



shall not be given any priority or undue advantage in the conduct of the procurement process. In the implementation of this program, all facilities shall be governed by interoperability standards.

Section 17. Prohibited acts. – The following are prohibited acts:

- a. To grant any ITSP exclusive right to provide internet services in a public place or the exclusive right to provide services as a contractor for any other phase, stage, or aspect of the implementation of the Program;
- b. To grant an ITSP exclusivity agreements with respect to the use of government-owned property in relation to the program;
- c. To prevent other ITSPs through other means from providing internet services in public places, without prejudice to existing laws, rules, and regulations.

RULE VI ASSIGNMENT OF FREQUENCIES

Section 18. Spectrum as a limited resource. – Spectrum is considered an exclusive property of the State and should be treated as a limited national resource. As such, the right of the State to regulate the use and assignment of spectrum through effective resource allocation is hereby affirmed. The DICT, in coordination with the NTC, shall rationalize and optimize the use of spectrum, including the utilization of spectrum for purposes of this Program.

Section 19. Spectrum assignment and co-use arrangements. – The DICT in coordination with the NTC shall be assigned such frequencies as it shall require for the Program. In making such assignment, the NTC should consider the scope, magnitude, and the particular requirements of the areas to be served, including geographic nuances, expected number of users, expected demand, and past usage, if any.

The assignment of spectrum under this Rule shall not cause interference to other ITSPs of the Program. Neither shall the assignment of spectrum hinder the development of the broadcast, telecommunications, internet service, or value-added service authorized by or registered with the NTC.

The ITSPs use of the spectrum shall be governed by a co-use agreement with the DICT.

Section 20. Use of assigned spectrum. – The spectrum assigned under this Rule shall only be used by an ITSP with a co-use agreement with the DICT subject to



provisions of RA 9184 and other relevant laws. Any ITSP which has been granted the use of the spectrum assigned under this provision shall not use the spectrum for any other purpose other than for the effective implementation of this Program.

Any provision in a contract awarded under these Rules, which grants any ITSP the right to use the spectrum for any other purpose other than the implementation of this Program shall be considered void and without effect; provided that the other provisions in the contract which do not suffer from the said infirmity shall retain their validity.

Section 21. Review of spectrum assignments. – The DICT, in coordination with the NTC and PCC, shall conduct an annual review of the spectrum assigned under these Rules. The purpose of the periodic review is to ensure that the assigned spectrum are being utilized in line with the requirements and effective implementation of this Program. The review shall cause the reexamination of the use, and cause the reallocation or redistribution of the spectrum assigned, if feasible and if the circumstances warrant.

Section 22. Automatic reversion of spectrum upon termination of service. – Upon the termination of an ITSP's services for reasons of (i) expiry of the contract, (ii) any violation or unfavorable findings during a review conducted pursuant to Section 6 of this Rule, or (iii) termination by the DICT of the contract pursuant to law or agreement of the parties, the spectrum assigned to the ITSP shall automatically revert to the control of the DICT.

Section 23. Spectrum management policy and guidelines. – 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, NTC, and PCC after public stakeholder consultations.

Within one (1) year from the effectivity of RA 10929, the DICT, in consultation with the NTC and PCC, shall issue the guiding principles and policy direction for the open and shared use of spectrum, especially for the implementation of this Program.

The DICT, NTC, and PCC shall have the continuing obligation to revise and update these guidelines at every practicable opportunity.

RULE VII MONITORING AND DATA COLLECTION

Section 24. Within one (1) year from effectivity of RA 10929, the NTC shall issue rules on minimum standards for quality of service, including, but not limited to, download speed, latency, packet loss, and jitter for public free internet service. The



minimum quality of service standards for the Program shall not be lower than the minimum quality of service standards provided for retail basic internet connectivity services offered to the public and the agreed quality of service as specified in their contract with the DICT.

Section 25. Transparency. – The DICT shall periodically collect, update, and publish such information on the cost, performance, service quality, and compliance with the minimum standards on free public internet access points set by the NTC.

All fair use policies shall be available on the DICT’s website.

Section 26. Penalties. - The DICT shall impose penalties upon ITSPs that do not comply with the minimum standards set by the NTC and the agreed quality of service as specified in their contract with the DICT.

The DICT shall require all ITSP to comply with the prescribed performance standards and shall impose penalties for failure to comply with such performance standards.

The DICT shall issue and publish a Department Order on the schedule of penalties within one (1) year from effectivity of this IRR.

Any violation of this IRR shall subject the concerned government officials and employees to administrative penalties under existing civil service laws rules and regulations. This is without prejudice to investigation and prosecution under the relevant provision of Republic Act No. 10667, otherwise known as the Philippine Competition Act, and other applicable competition-related statutes, especially with respect to Rule V.

Section 27. Data Privacy. The government shall respect the privacy of persons who use the Program. In no case shall the administrator or manager of the Program engage in the collection, use, or disclosure of users’ personal data, which includes personal, sensitive, and privileged information, and the collection of anonymous traffic data, unless allowed by the provisions of Republic Act No. 10173, otherwise known as the “Data Privacy Act of 2012” and other applicable laws.

Any unauthorized processing of users’ personal data shall be punishable by said law and all other applicable laws.

Section 28. Safeguards. The DICT shall ensure the implementation of organizational, physical and technical security measures for the Program. The implementation of the Program will require the conduct of a privacy impact assessment which shall be submitted to the NPC for oversight and monitoring.



RULE VIII PROHIBITION ON ACCESS TO PORNOGRAPHY

Section 29. Prohibition on Access to Pornography. – Pursuant to Section 10 of Republic Act No. 10929, access to pornographic websites is prohibited under the Program, with particular emphasis on the protection of children against child pornography as stated in Section 11 of the same Act. As such, the following rules are provided for strict compliance:

- (a) In conjunction with existing laws and rules, all participating ISPs shall block access to internet websites, applications or programs which promote or provide direct or indirect access to online sexual abuse and exploitation material on children, including child sexual abuse and exploitation materials, livestreaming or live online child sexual abuse or exploitation or any similar content in any form;
- (b) Consistent with Section 9 of Republic Act 9775 otherwise known as the “Anti-Child Pornography Act of 2009”, all participating ISPs of the Program are bound to comply with the duties of ISPs so enumerated in the same section of the said law;
- (c) Following the approval of the IRR, and in pursuant of Section 11 and its oversight functions, the DICT shall in coordination with the IACACP and in consultation with ISPs, private sector and children and youth sector, develop standards and mechanisms, including a child online safeguarding policy, within one year from promulgation of the law, where such standards, mechanism and policy are subject to review through multi-sectoral consultation every two years.

RULE IX PUBLIC SAFETY WARNING

Section 30. Public Safety Warning. – The DICT and the ITSP shall ensure that facilities, such as relay stations, repeaters, boosters and telecommunications towers shall, where warranted, bear appropriate warning signage when close and constant contact with such facilities may be harmful or hazardous.

RULE X PRIVATE PROPERTY OWNERSHIP

Section 31. Private Property Ownership. The right to private property shall be respected in the implementation of the Program. In case the construction of any infrastructure or installation of equipment should involve or affect privately owned land or property, the DICT shall ensure that the necessary public consultations are held with affected or concerned parties such as homeowners and homeowners



association, nongovernment organizations and people's organizations and LGUs, before the Program is implemented in their respective jurisdiction. Such public consultations shall conform to the manner as stated in Republic Act, 9904, otherwise known as the "Magna Carta for Homeowners and Homeowners Association" and as specified in Rule XI, Article 54 of the Implementing rules and regulations of Republic Act. 7610, otherwise known as the "Local Government Code of 1991".

RULE XI PERMITTING AND CERTIFICATION

Section 32. Streamlining the Application, Renewal and Release of Permits, Licenses and Clearance Processes. – The DICT, NTC, and the DILG shall, through issuance of the necessary rules and policies, after the conduct of the necessary consultations with civil society organizations, national government agencies, instrumentalities and agencies, LGUs, and other stakeholder groups, streamline the process for the application, renewal and release of permits and licenses, and clearances needed for the construction of infrastructure or installation of equipment among NGAs and LGUs. The DILG shall be responsible for monitoring the compliance of concerned LGUs with the requirements of the Program.

Initial issuances and agreements necessary to facilitate the implementation of the streamlined process shall be issued or released within three (3) months from the effectivity of the Act.

Failure on the part of the issuing agency to release the applied license without informing the applicant business entity of the errors, omissions, or additional documents required shall mean automatic approval of the license or permit applied for within seven (7) days after submission of the applicant business entity of the complete requirements and payment of the corresponding fees; *Provided, however,* That in case where the cause of delay is due to force majeure or natural or man-made disaster which may result to damage or destruction of documents the prescribed processing time shall be suspended and appropriate adjustments shall be made.

No additional steps, permits and certificates shall be required from any applicant other than the requirements stipulated by the DICT.

Section 33. Standardization and Regulation of Fees. – The DICT, in coordination with the NTC and the DILG, shall, within three (3) months from the effectivity of this IRR, issue a table of fees for the facilitation of permits, certificates, and the rental rates of GOCC properties for the construction of infrastructure and installation of equipment necessary for the immediate and effective implementation of the Program; *Provided,* That the fees to collected should be just and reasonable sufficient to cover the costs of supervision and regulation. The revenue collected from local fees, charges, and other local impositions shall inure solely to the benefit of and be subject to disposition by LGUs.



No additional fees shall be required from any applicant other than the requirements stipulated by the DICT.

**RULE XII
FREE PUBLIC INTERNET ACCESS FUND
(FPIAF)**

Section 34. FPIAF and Appropriations– There is hereby created an FPIAF under the management of the DICT to provide financing for the implementation of the Program. The FPIAF shall be funded out of the Spectrum Users Fees collected by the NTC and other sources to be identified by the Department of Budget and Management.

If necessary for the immediate and effective implementation of the Act, any amount for the implementation of the Program shall be initially charged against any available funds of the DICT, the NTC and the NPC. Thereafter, the sums necessary for such purpose shall be sourced from the FPIAF.

Any deficiency in the budgetary requirements for the implementation of the Act shall be included in the annual General Appropriations Act.

**RULE XIII
MISCELLANEOUS PROVISIONS**

Section 35. Repealing Clause. – All laws, decrees, orders, rules and regulations or other issuances or parts inconsistent with the provisions of the Act and its IRR are hereby repealed and modified accordingly.

Section 36. Effectivity. - The provisions of these rules and regulations shall take effect fifteen (15) days after its publication in newspaper of general circulation.

Done in Quezon City, this ____ day of _____, _____.

Approved for Consultation:

ELISEO M. RIO, JR.
Officer-in-Charge, DICT
Undersecretary