

**RULES AND REGULATIONS IMPLEMENTING REPUBLIC ACT (R.A.) 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.

Broadband – refers to high-speed data transmission and reception.

Internet Service Provider (ISP) – refers to an entity that provides access to and/or internetworking connectivity via the Internet, usually for a monthly fee and may include other Internet-based value added services.

Interoperability – the ability of computer systems or software to exchange and make use of information.

IP exchange or (IXP) – is a physical infrastructure through which any network with Border Gateway Protocol (BGP) resources can connect. The mentioned resources would be:

- a) Autonomous System Number (ASN)
- b) Their own IPv4/IPv6 prefix
- c) Their own leased line to directly link to an internet exchange

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.

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.

Private Sector Partners – private entities or businesses engaged by the DICT for the implementation of the Program.

Spectrum – a frequency of electromagnetic radiation, managed and administered by the National Telecommunications Commission, in the range at which radio signals are transmitted.

Value-Added Service (VAS) Provider – is an entity which, relying on the transmission, switching, and local distribution facilities of the local exchange and interexchange operators and overseas carriers, offers enhanced services beyond those ordinarily provided for by such carriers.

Value-Added Service (VAS) – enhanced services beyond those ordinarily provided by operators and/or carriers as classified by the NTC.

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 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.

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.

The DICT shall prescribe service availability standards in the comprehensive plan.

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. Preferably and as long as practicable, the Program shall be made available in the unserved and underserved areas 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 and 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), the 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), the 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;
- d) Enter into contracts to undertake the implementation of the Program, 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) Prescribe regulations or subscribe to acceptable standards in the installation, construction, maintenance, and operation of infrastructure and equipment;
- i) 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; and
- j) Prescribe terms, conditions, rules, and regulations on the use and access to Internet under the Program, such as, but not limited to, the Fair Use Policy and

Fair Use Agreement.

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

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 instances where the operation of the Program is outsourced to qualified private parties.

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

Section 10. 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.

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

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

- (a) Private Sector Partners' services shall be engaged in accordance with laws, rules, regulations, and issuances;
- (b) A participation agreement shall be executed between the ISP and the DICT for the implementation of the Program; and
- (c) In order to lower costs and 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, as may be designated by the DICT.

Section 12. Private Sector Partners' Qualifications. In addition to the qualifications prescribed by relevant laws, rules, and regulations, a Private Sector Partner shall have the following qualifications:

- (a) Legal Capacity and Personality;
- (b) Financial Capacity and Economic Feasibility; and
- (c) Technical Feasibility.

At the minimum, the foregoing shall be the DICT's minimum basis for assigned spectrum distribution. The DICT may issue the necessary standards, rules, and regulations in determining the said qualifications.

Section 13. Private Sector Partners' Supplemental Internet Access Service. The Private Sector Partners' 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, or service level commitments to the DICT and the Program;
- (b) The DICT shall regulate the services including fees charged by Private Sector Partners that offer both free and paid internet services in an area;
- (c) The fee shall be reasonable and in accordance with the table of fees to be issued by the DICT, which shall be updated regularly and made available to the public; and
- (d) The Private Sector Partner has registered with the NTC as Value Added Service Provider.

Section 14. Internet Connectivity based on Satellites and other Emerging Technologies. - ISPs 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, laws, rules, and regulations.

Section 15. 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 telecommunications companies' access to 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 the Program;
- (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 personnel who can act as site coordinator, as needed.

RULE V EXCLUSIVITY ARRANGEMENTS

Section 16. Anticompetitive nature of exclusivity arrangements. – The grant of exclusivity arrangements to a single ISP is prohibited. Instead, the Program shall promote nondiscriminatory, free, and unrestricted access to all ISPs 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 17. Interoperability Standards. Any ISP, including any current operator, shall not be given any priority or undue advantage in the conduct of the partnership process. In the implementation of this program, all facilities shall be governed by interoperability standards.

Section 18. Prohibited acts. – The following are prohibited acts:

- (a) To grant any ISP the 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 ISP exclusivity agreements with respect to the use of government-owned property in relation to the program; and
- (c) To prevent other ISPs through any means from providing internet services in public places, without prejudice to existing laws, rules, and regulations.

RULE VI ASSIGNMENT OF FREQUENCIES

Section 19. 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 20. Use unassigned and available spectrum. – The NTC shall ensure and

warrant the assignment of unassigned and available frequency necessary for the Program, as may be determined by the DICT. In consultation with the NTC, and without prejudice to additional spectrum as may be available, assignable, and needed by the Program, the following frequency bands may be used for the provision of the Program: a) 2400 MHz to 2483.5 MHz; b) 5150 MHz to 5350 MHz; c) 5470 MHz to 5850 MHz; d) VHF TV white space; and e) UHF TV white space after migration from analog TV to digital TV.

The assignment of spectrum under this Rule shall not cause interference to the Program's other ISPs. 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 use of the spectrum other than the purposes allowed by this Act shall be subject to the approval of the DICT and may be subject to applicable fees.

The Private Sector Partners' use of the spectrum shall be governed by a co-use agreement with the DICT.

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 is being utilized in line with the requirements and effective implementation of this Program. The review shall include an examination of the use of the spectrum and may result in the reallocation or redistribution of the spectrum assigned, if feasible and as the circumstances may warrant.

Section 22. Automatic reversion of spectrum upon termination of service. – Upon the termination of an ISP's services by reason of (i) expiry of the contract; (ii) any violation or unfavorable findings during a review conducted pursuant to Section 21; or (iii) termination by the DICT of the contract pursuant to law or agreement of the parties, the spectrum assigned to the ISP shall automatically revert to the control of the DICT.

Section 23. Spectrum management policy and guidelines. – The use of available or unassigned spectrum is subject to transparent, fair, reasonable, and nondiscriminatory terms and conditions, as specified in the guidelines to be 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 the 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 the effectivity of RA 10929, the NTC shall issue rules

on the minimum standards for quality of service, including, but not limited to, download speed, latency, packet loss, and jitter for the 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 contracts with the DICT.

Section 25. Transparency. – The DICT shall periodically collect, update, and publish information on the ISPs 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. 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 27. 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.

Section 28. Penalties. - The DICT shall require all ISPs to comply with the prescribed performance standards and shall impose penalties for failure to comply with such performance standards and the agreed quality of service as agreed under the contract with the DICT.

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

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 pornographic websites, 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; and
- (c) Following the approval of the IRR, the DICT pursuant to RA 10929 and its oversight function, shall in coordination with the IACACP and in consultation with ISPs, private sector, and children and youth sector, develop standards and mechanisms for the protection of children online, including a child online safeguarding policy, within one (1) year from promulgation of the law. Such standards, mechanisms, and policies shall be subject to review every two (2) years and shall be submitted to a multi-sectoral consultation before issuance.

RULE IX PUBLIC SAFETY WARNING

Section 30. Public Safety Warning. – The DICT and the ISP concerned shall ensure that facilities, such as relay stations, repeaters, boosters and telecommunications towers shall, when necessary, bear appropriate warning signs 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, homeowners association, non-government organizations, people’s organizations, and LGUs before the Program is implemented in their respective territories. Such public consultations shall conform to RA 9904, otherwise known as the “Magna Carta for Homeowners and Homeowners Association,” Rule XI, Article 54 of the Implementing Rules and Regulations of RA 7610, otherwise known as the “Local Government Code of 1991,” and other applicable laws, rules, and regulations.

**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 the issuance of the necessary rules and policies after the conduct of the necessary consultations with civil society organizations, national government agencies, instrumentalities, 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 this IRR.

Failure on the part of the issuing agency to release the applied license without informing the applicant 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 by the applicant 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 in 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, NTC, and DILG.

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 be collected should be just and reasonably 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, NTC, and 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 a newspaper of general circulation.

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

Approved for Posting for Transparency:

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