

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

House Resolution No. 946



INTRODUCED BY REP. KRISTINE ALEXIE BESAS TUTOR
3rd District, Bohol

A RESOLUTION

ENJOINING THE DEPARTMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY (DICT), DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT (DILG), DEPARTMENT OF TRADE AND INDUSTRY (DTI), AND ANTI-RED TAPE AUTHORITY TO UNDERTAKE MEASURES CONSISTENT WITH THE EASE OF DOING BUSINESS ACT (REPUBLIC ACT 11032) TO IMPROVE INTERNET AND TELECOMMUNICATIONS QUALITY AND ACCESS NATIONWIDE

WHEREAS, the Coronavirus Disease 2019 (COVID-19) pandemic has forced Filipinos and other people of the world to, by necessity, self-quarantine at home to avoid getting infected, but continue to interact with family, friends, co-workers, and online communities through the use of the Internet to access cyberspace and social media;

WHEREAS, meaningful usefulness of the Internet to Filipinos is limited because only a little over 4 million subscribers have broadband internet subscriptions at home, only 55% have smartphones, and only a minority of 20% have laptops or desktop computers at home, according to various studies and authoritative sources, to wit:

Broadband subscribers:

- PLDT – 2,161,484 subscribers
- Globe – Over 2 million subscribers

(Source: 2019 Annual Reports of PLDT and Globe Telecom)

Mobile phone service subscriptions:

- PLDT – 73.2 million
- Globe – 94.2 million

(Source: 2019 Annual Reports of PLDT and Globe Telecoms)

Ownership of smartphones:

- 55% own smartphones
- 22% own mobile phone that is not a smartphone
- 23% do not own any mobile phone

(Source: Pew Research Center, Spring 2018 Global Attitudes Survey)

Ownership of laptops or desktop computers at household: 20% of homes

(Source: Philippine Statistics Authority, 2017 data)

WHEREAS, data transmission speeds in the Philippines are among the poorest in the world with the country ranking 121st out of 139 countries at 12.09 Mbps for mobile internet speed and 110th out of 174 countries at 21 Mbps for broadband internet speed, according to the Speedtest Global Index;

WHEREAS, data traffic congestion is acute in most urbanized areas and become even more congested on weekends, on holidays, and other high usage occasions;

WHEREAS, the Department of Information and Communications Technology (DICT), as lead implementor of the common tower policy in Republic Act 10844, has issued rules to pave the way for the building or converting of at least 2,500 common towers in identified DICT-owned properties, as well as in other government agencies' properties and hard-to-access areas identified by telcos, and has a Memorandum of Understanding with 22 tower firms;

WHEREAS, the Department of Trade and Industry (DTI) is the national government agency charged with the promotion and regulation of business enterprises, investments, and enforcement of consumer protection laws and is an NGA implementor of the Central Business Portal and of the Philippine Business Databank mandated in RA 11032 ;

WHEREAS, the Anti-Red Tape Authority has a specific mandate in Section 15 of RA 11032 to "develop a fast and reliable interconnectivity infrastructure" with the end goal of expediting the processing of licenses, clearances, permits, certifications or authorizations;

WHEREAS, RA 11032 expressly pinpoints the matter of licenses, clearances, permits, certifications or authorizations for and that prescribed in the provision of the law are clear deadlines for the

installation and operation of telecommunication, broadcast towers, facilities, equipment and services shall be a total of seven (7) working days for those issued by the barangay, seven (7) working days for those issued by local government units, and seven (7) working days for those issued by national government agencies, and that for these foregoing deadlines failure to approve or disapprove means the application shall be deemed approved, noting further that Section 15 of RA 11032 provides for a non-extendible period of twenty (20) working days for approval of the appropriate local legislative body, ten (10) working days for the referral of homeowners and community clearances by officers of the homeowners association to the members of their association, and a non-extendible period of thirty (30) working days for the homeowners association consent or disapproval;

WHEREAS, the Department of Interior and Local Government (DILG), by virtue of the Administrative Code and 1987 and the Local Government Code of 1991, is empowered to, "establish and prescribe rules, regulations and other issuances and implementing laws on the general supervision of local government units and on the promotion of local autonomy and monitor compliance thereof by said units" and is an implementor of directives of the President of the Philippines on "general supervision over local government units to ensure that their acts are within the scope of their prescribed powers and functions.";

WHEREAS, the power of local government to tax and raise revenue is not absolute inasmuch as Section 130 of the Local Government Code of 1991 provides, among others, that : "Taxes, fees, charges and other impositions shall: (a) be equitable and based as far as practicable on the taxpayer's ability to pay; (b) be levied and collected only for public purposes; (c) not be unjust, excessive, oppressive, or confiscatory; (d) not be contrary to law, public policy, national economic policy, or in restraint of trade...";

NOW, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, that the House of Representatives, enjoin the Department of Information and Communications Technology (DICT), Department of Interior and Local Government (DILG), Department of Trade and Industry (DTI), and the Anti-Red Tape Authority to:

1. Address the difficulties in rolling out the Common Tower Policy at the local government levels through direct consultations stakeholders in the provinces, cities, and towns;

2. Identify and publicly disclose the issues, concerns, background facts, and decisions at such LGU stakeholder consultations for transparency purposes;

3. Issue Joint Memorandums addressing the solutions to issues raised in the LGU consultations;

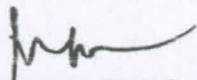
4. Recommend to the President of the Philippines the issuance of an Executive Order on a standardized schedule of reasonable administrative and other regulatory fees LGUs shall pay to LGU hosts of the common towers and that such standardized schedule of rates of fees also factor in current and future estimates of usage for telecom and internet purposes;

5. Set performance standards telecom firms and internet service providers must meet in their provision of 4G and 5G level of access to mobile phone users and at least 30 to 40 Mbps internet speed for households and higher ranges of internet speed based on types of business and institutional clients;

6. Conduct regular performance review and forensic audit, and exercise powers of visitorial inspections on the services they provide; and

7. Deploy permanently and strategically BGAN and VSAT equipment at strategically located campuses of public schools and state universities and colleges to augment the coverage of common telecommunications towers and other telecommunications facilities.

Adopted,



REP. KRISTINE ALEXIE B. TUTOR