

SEVENTEENTH CONGRESS OF THE]
REPUBLIC OF THE PHILIPPINES]
Second Regular Session]

SENATE

S.B. No. 1644

18 JAN 10 P 6:46

Introduced by SEN. WIN GATCHALIAN

AN ACT
PROMOTING OPEN ACCESS IN DATA TRANSMISSION, PROVIDING
ADDITIONAL POWERS TO THE NATIONAL TELECOMMUNICATIONS
COMMISSION, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Data transmission through the Internet is governed by outdated laws and regulations – such as Republic Act No. 7925¹ – which were made for basic telecommunications services. Compared to such basic services, which operate as a vertically integrated and monolithic network, the Internet thrives in a decentralized, distributed setting where services in different segments can be provided by different entities, that are, ideally, interconnected.

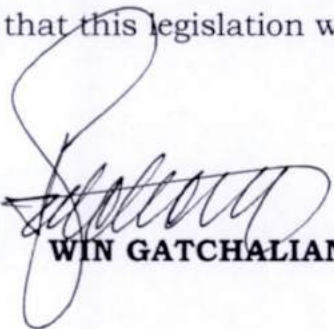
The present structure of the Philippine telecommunications industry imposes a high barrier to the entry of new, independent players, both local and foreign, who may participate in these segments. Instead, it encourages an operator to own and maintain a network as a vertical, monolithic whole that provides all services – from international connectivity to internet service direct to end users – and even for segments that do not serve the public directly, such as the IGF or landing station, backbone, and middle mile.²

¹ Otherwise known as “The Public Telecommunications Policy Act of the Philippines.”

² Mirandilla-Santos, Mary Grace, Philippine Broadband: A Policy Brief, Arangkada Philippines, February 2016.

This legislation proposes that instead of a single, vertically integrated network, there should be an Open Access Model which will identify the various segments in the infrastructure and open them up to more and different players without requiring a Congressional franchise. It seeks to open up the different segments of the market to other players by breaking down regulatory barriers, lowering cost to entry, and institutionalizing a technology-neutral policy framework based on openness, transparency, fairness, and a level playing field among service providers at any given segment of the market. It also defines and clarifies the role of the National Telecommunications Commission in the Age of the Internet.

The passage of this law is earnestly sought to narrow down the country's digital divide in order for everyone everywhere to get the most out of the digital revolution. And I hope that this is the goal that this legislation will be able achieve.



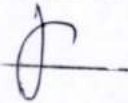
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AN ACT
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Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

CHAPTER I
INTRODUCTORY PROVISIONS

1
2
3
4 **SECTION 1. Short Title.** – This Act shall be known as the “Open Access
5 in Data Transmission Act”.

6
7 **SEC. 2. Declaration of Policy.** – It is the policy of the State to narrow
8 the digital divide in the country by encouraging the development of data
9 transmission infrastructure and removing any barrier to competition in data
10 transmission services. Moreover, the State shall implement measures to
11 require data transmission service providers to adhere to telecommunications
12 standards suitable to the needs and aspirations of the nation and ensure that
13 internet users enjoy the best quality of data transmission service. The State
14 shall:

1 (a) Promote the construction and development of reliable, affordable,
2 open and accessible data networks that transmit information at speed and
3 quality comparable to the best in the world;

4 (b) Create an entrepreneurial ecosystem where persons who wish to
5 engage in the data transmission industry can compete openly and freely in
6 the spirit of fair competition and permission-less innovation;

7 (c) Encourage investment in the digital infrastructure of the country;

8 (d) Adopt and ensure open access in the regulation of the data
9 transmission sector;

10 (e) Protect the public interest as it is affected by its ability to access data
11 networks;

12 (f) Establish a strong and independent regulatory body and system to
13 ensure and enhance fair competition in the data transmission sector; and

14 (g) Protect and promote the internet as an open platform enabling
15 consumer choice, freedom of expression, end-user control, competition and
16 the freedom to innovate without permission, and thereby encouraging the
17 development of advanced telecommunications capabilities and the removal of
18 barriers to infrastructure investment.

19
20 **SEC. 3. Definition of Terms.** – As used in this Act:

21 (a) *Basic telephone service* refers to the local exchange telephone service
22 for residence and business establishments provided via the circuit switched
23 telephone network;

24 (b) *Cellular Mobile Telephone Service (CMTS)* refers to the wide area mobile
25 radio telephone system with its own switch, base stations and transmission
26 facilities capable of providing high capacity mobile telecommunications by
27 utilizing radio frequencies;

28 (c) *Content* refers to, among others, texts, images, audios, videos, and
29 animations that are carried over the broadband/internet network;

30 (d) *Core/Backbone network* refers to the main line (or connection)
31 including international connection that ties networks, delivers routes to
32 exchange information among various subnetworks, connects regional

1 distribution networks and, in some instances, provides connectivity to other
2 peer networks;

3 (e) *Data transmission* refers to the process of sending digital or digitized
4 analog signal over a communication medium to one or more computing
5 network/s, communication or electronic device/s. It enables the transfer and
6 communication of devices in a point-to-point, point-to-multipoint and
7 multipoint-to-multipoint environments. The term data transmission includes
8 the provision of Voice over Internet Protocol (VoIP) services but does not
9 include the provision of basic telephone services;

10 (f) *Data transmission industry participant* refers to any person, firm,
11 partnership or corporation, government or private, engaged in the provision
12 of data transmission services to the public. This includes public
13 telecommunications entities (PTEs) that offer data transmission services as
14 defined under Republic Act No. 7925, otherwise known as the "Public
15 Telecommunications Policy Act of the Philippines";

16 (g) *International gateway/landing* refers to a segment of data
17 transmission that consists of any facility that provides an interface to send
18 and receive data traffic between one country's domestic network facilities
19 and those in another country;

20 (h) *Last mile* refers to the segment of data transmission network that
21 connects end users;

22 (i) *Middle mile* refers to the segment of data transmission network that
23 links the last mile network to the core/backbone network;

24 (j) *Open access* refers to the system of allowing the use of data
25 transmission and/or distribution systems and associated facilities subject to
26 fair, reasonable, and nondiscriminatory terms in a transparent market;

27 (k) *Paid prioritization* refers to the management of a data transmission
28 network to directly or indirectly favor some traffic over other traffic, through
29 the use of techniques such as traffic shaping, prioritization, resource
30 reservation, zero-rating, or other forms of preferential traffic management,
31 either:

32 (1) In exchange for consideration (monetary or otherwise) from a third
33 party, or

1 (2) To benefit an affiliated entity; and

2 (l) *Voice over Internet Protocol (VoIP) service* refers to the provision of voice
3 communication using Internet Protocol (IP) technology.

4
5 **CHAPTER II**
6 **ORGANIZATION AND OPERATION**
7 **OF THE DATA TRANSMISSION INDUSTRY**
8

9 **SEC. 4. Scope.** – This Act applies to all persons who participate in the
10 data transmission industry. For this purpose, any person or entity whose
11 business deals substantially with the transmission of data, including VoIP
12 service provider, internet service providers (ISPs), and data center service
13 providers, shall be governed by the provisions of this Act. PTEs principally
14 engaged in the provision of basic telephone services, such as international
15 carrier, interexchange carrier, local exchange operator, and mobile radio
16 services provider, as these entities are defined in Republic Act No. 7925,
17 which also provide data transmission services, shall likewise be subject to the
18 provisions of this Act with respect to the data transmission services they
19 provide and the interconnection to their networks that they extend to data
20 transmission industry participants.

21
22 **SEC. 5. Segments.** – The data transmission industry shall be divided
23 into four (4) segments: (a) International gateway/landing; (b) Core/Backbone
24 network; (c) Middle mile; and (d) Last mile.

25 All four (4) segments shall be competitive and open. Any law to the
26 contrary notwithstanding, data transmission industry participants in any of
27 the four (4) segments shall not be required to secure a franchise from
28 Congress or a Certificate of Public Convenience and Necessity (CPCN) or
29 Provisional Authority (PA) from the National Telecommunications Commission
30 (NTC), to construct, install, and operate networks and facilities for the data
31 transmission services they provide. Neither shall they be required to secure a
32 CPCN or a PA for the data transmission services they provide to the general
33 public. ISPs and value-added service (VAS) providers that offer data services

1 only shall be allowed to build and operate their own network. Moreover,
2 anything in this law or any other law notwithstanding, no Congressional
3 franchise and NTC provisional authority shall be required for the acquisition
4 and operation of a satellite or the sale or lease of satellite capacity within the
5 Philippines. Data transmission sector participants shall, without need of
6 Congressional franchise or authority from the NTC, have direct access to any
7 satellite with a Philippine footprint. Participants in the data transmission
8 industry shall, however, be required to register with the NTC stating the
9 segment they are participating in and to provide the NTC with their schedules
10 of rates. They shall also be required to report their acquisition and operation
11 of a satellite and any leased satellite capacity.

12 13 **CHAPTER III**

14 **REGULATION OF THE DATA TRANSMISSION INDUSTRY**

15
16 **SEC. 6. Open Access Approach to Regulation of the Data**
17 **Transmission Industry.** – The NTC shall ensure that the data transmission
18 sector remains open and accessible to all qualified participants. Specifically,
19 it shall:

20 (a) Implement an efficient and speedy administrative process in the
21 authorization and registration of data transmission sector participants;

22 (b) Adopt a technology-neutral framework that allows data transmission
23 industry participants to use any available technology to provide service;

24 (c) Promote fair and open competition at all the multiple layers of the data
25 transmission network, allowing a wide variety of physical networks and
26 applications to interact in an open architecture;

27 (d) Mandate transparency in pricing and the publication of pricing
28 information to ensure fair trading within and between each data transmission
29 segment so as to allow clear, comparative information on market prices and
30 services;

31 (e) Mandate interconnection so that data transmission industry
32 participants can connect to each other at the various segments and interfaces,

1 such that entities of any size may freely enter and exit the market, and
2 dominance by any single player or group of players is avoided;

3 (f) Promulgate policies that will encourage distributed local solutions
4 rather than centralized ones, encouraging services that are closer to the user;

5 (g) Publish the list of registered data transmission industry participants
6 at least once a year; and

7 (h) Promulgate rules defining and regulating entities with substantial
8 market power.

9
10 **SEC. 7. Spectrum Allocation, Recall, and Reallocation.** – The NTC
11 shall maximize the allocation and assignment of finite radio spectrum
12 resources used in the transmission of data by ensuring that the spectrum is
13 made available for the use of all registered data transmission industry
14 participants. To this end:

15 (a) The procedure for radio spectrum assignment, joint use and recall
16 shall be made transparent to the public. All applications, including letter
17 requests, spectrum assignment, joint use, recall, and reallocation shall be
18 posted in the NTC's website and in a conspicuous place in the offices of the
19 NTC for at least three (3) consecutive months. The notice shall specifically
20 indicate the names of the applicants for spectrum assignment, joint use and
21 recall, including where the NTC itself is the proponent of any such action, the
22 affected spectrum, and the applicant's or NTC's reasons for the proposed
23 spectrum assignment, joint use and recall. The NTC shall not assign, recall
24 or allow co-use or joint use of any radio frequency band or bands without
25 conducting at least one (1) public hearing and allowing public comment for a
26 period of fifteen (15) days from the date of the public hearing, prior to approval
27 and/or disapproval of the same. This applies to all spectrum, whether used
28 for data transmission or not;

29 (b) All radio spectrums, radio frequency assignments, recalls, and joint
30 use decisions of the NTC shall be published in the NTC's website and in a
31 conspicuous place in the offices of the NTC for at least three (3) consecutive
32 months. The recall of frequency for purposes of free public use shall be given
33 priority.

1 The immediately preceding paragraphs (a) and (b) herein shall not apply
2 to applications for frequency assignments for fixed point-to-point radio links,
3 wifi, and satellite networks;

4 (c) The NTC shall ensure that the allocation, re-allocation, assignment,
5 re-assignment, reclassification, or joint use of spectrum does not result in the
6 concentration of spectrum resources which promote, establish, or perpetuate
7 the significant market power of PTEs or of only a handful of participants. In
8 instances where the resulting assignment of spectrum for mobile and point-
9 to-multipoint networks will give an assignee or its affiliates, either by virtue
10 of that request or in combination with other previous requests by that party
11 or its affiliates, 15% or above of assignable spectrum in the same band or in
12 different bands allocated for the same purpose or service, the party requesting
13 for an assignment of spectrum or a joint use of spectrum shall be required to
14 serve notice to the Philippine Competition Commission (PCC) and secure a
15 no-objection notice from the PCC. Any person or entity who believes that any
16 one or more of the NTC's decisions for the assignment of radio spectrum,
17 whether past or present, will promote the dominance of any entity and hinder
18 competition may file a complaint before the Philippine Competition
19 Commission (PCC) to determine the dominance of a data transmission
20 industry participant and deal with anti-competitive conduct in accordance
21 with its mandate under Republic Act No. 10667, otherwise known as the
22 "Philippine Competition Act of 2015";

23 (d) The NTC shall promptly act on applications of data transmission
24 industry participants for permits to import equipment. Any application for
25 permit to import equipment that is not acted on by the NTC within seven (7)
26 days shall be deemed approved; and

27 (e) If the NTC finds, on its own initiative or upon complaint, that any
28 right, license or radio spectrum assignment to any data transmission industry
29 participant or PTE is not being used, or is not being maximized by the user
30 thereof, or that the grantee has violated the provisions of this Act, it may,
31 *motu proprio* or upon petition by any person, subject to due process, recall the
32 radio spectrum assignment of the data transmission industry participant or

1 PTE. The NTC shall, where required and appropriate, make provisions for
2 substitute frequency to address the needs of active users of the spectrum
3 recalled from the data transmission industry participant or PTE.

4
5 **SEC. 8. Setting Performance Standards.** – The NTC shall:

6 (a) Mandate that, within one (1) year from the effectivity of this Act, all
7 last mile providers shall provide a minimum download speed of 2 Mbps or as
8 mandated by the National Broadband Plan, whichever is higher, for mobile
9 broadband and for fixed wireless/broadband access;

10 (b) Prescribe performance standards after public consultation and
11 hearings within six (6) months from the effectivity of this Act;

12 (c) Upgrade performance standards imposed on the data transmission
13 industry regularly to ensure that performance standards shall, at a minimum,
14 be at par with service levels established in regional data network performance
15 indices and aligned with international best practices. Such standards shall
16 take into account speed, packet loss, jitter, and latency;

17 (d) Regularly review performance standards at least once a year and shall
18 publish new performance standards at least thirty (30) days before they take
19 effect. The publication of the results of the performance measurements shall
20 be done in an open data format accessible to the general public;

21 (e) Any person, or the NTC itself, may, *motu proprio*, file a petition to
22 penalize any data transmission industry participant for failure to deliver
23 service according to the NTC's published performance standard and to require
24 rectification of such noncompliance; and

25 (f) Measure the performance of the data industry participants and
26 publish the results of its measurements in its website.

27
28 **SEC. 9. Arms-length Transactions and Transparency.** – The NTC shall:

29 (a) Publish and make available in print and online formats all aspects of
30 spectrum use information, including the National Radio Frequency Allocation
31 Table (NRFAT), indicating therein the purpose or use to which each frequency
32 band is allocated, and, for frequency bands allocated for public use, the
33 persons and/or entities to whom each particular frequency is assigned. The

1 NRFAT and updated radio spectrum use information shall be made available
2 on the NTC's website and to any person who requests the same, upon written
3 request;

4 (b) Promulgate rules requiring all data transmission industry
5 participants to file an annual report and include therein a fair and accurate
6 statement regarding their market prices and their services. The annual report
7 shall include all costs and charges relevant to the data transmission network
8 segment where the participants operate. The rates shall be made available
9 online, in print, and in any other viable venue to the public. Any person can
10 file a complaint pertaining to these rates within thirty (30) days of posting.
11 Each player at each segment shall submit a copy of their rates to the NTC and
12 the PCC. The rates shall be published, including a historical record, in a
13 consolidated manner. The data transmission industry participants are
14 required to keep a publicly accessible archive of their rates; and

15 (c) Initiate administrative and regulatory proceedings when, upon its own
16 evaluation, the published rates of any of the data transmission industry
17 participants do not comply with fair trading due to abuse of dominant position
18 substantially preventing, restricting or lessening competition. The PCC,
19 pursuant to its mandate under Republic Act No. 10667, and under its powers
20 and functions under Section 12 (n) thereof, shall intervene or participate in
21 such proceedings.

22
23 **CHAPTER IV**
24 **PROHIBITED ACTS**
25

26 **SEC. 10. Prohibited Acts.** – The following acts are prohibited:

27 (a) Refusal to Plug and Play. – Any data transmission industry
28 participant, insofar as such person is so engaged, shall not refuse access to
29 infrastructure to any other data transmission industry participant, except for
30 failure to pay open market fees for the access to the service.

31 Data transmission providers shall not impede the end user's right to
32 access and distribute information and content, use and provide applications
33 and services and use terminal equipment of their choice, regardless of the end

1 user's or provider's location or the location, origin or destination of the
2 information, content, application or service via their data transmission
3 service.

4 Agreements between data transmission providers of data services and
5 end users on commercial and technical conditions and the characteristics of
6 data access services such as price, data volume or speed, and any commercial
7 practices conducted by providers of internet access services shall not limit the
8 exercise of the rights of end users laid down in the preceding paragraph;

9 (b) Paid Prioritization. – A data transmission industry participant shall
10 not engage in paid prioritization for monetary or other consideration except
11 when allowed by the NTC after such participant demonstrates that the
12 practice will provide significant public interest benefit and will not
13 disadvantage content and applications that are not prioritized or harm the
14 open nature of the internet;

15 (c) Throttling. – Providers of data transmission services shall treat all
16 traffic equally when providing data access services without discrimination,
17 restriction or interference, regardless of the sender and receiver, the content
18 accessed or distributed, the applications or services used or provided, or the
19 terminal equipment used.

20 It shall be prohibited for a data transmission industry participant to
21 hinder or slow down services or applications or access to specific sites in the
22 internet except where (1) access to such sites, services or applications are
23 prohibited by law; (2) it is necessary to preserve the integrity and security of
24 the network and service of the provider or the equipment of the end user:
25 *Provided*, That if the breach of integrity or security is caused by the equipment
26 of the end user, the provider has to notify the end user first and give the
27 former sufficient time to rectify the situation; (3) it is necessary to block the
28 transmission of unwanted communications (e.g., spam, child pornographic
29 materials) to an end user, on application or complaint of the end user or the
30 data transmission industry participant;

31 (d) Refusal to Give Information. – It shall be prohibited for any data
32 transmission industry participant, including PTEs with regard to its network
33 and facilities, to refuse or fail to make available, on a timely basis, to suppliers

1 of data transmission services the technical information about its essential
2 facilities or network facilities and commercially relevant information that are
3 necessary for them to provide services; and

4 (e) Anti-competitive Cross-subsidization. – The NTC shall require
5 separate books of accounts between different data transmission segments in
6 order to allow identification of costs and revenues for each segment. Nothing
7 herein shall prevent interconnecting networks from charging the appropriate
8 cost-based compensation for the use of interconnection facilities.

9
10 **SEC. 11. Administrative Penalties.** – The NTC shall require data
11 transmission industry participants and PTEs providing data transmission
12 services to comply with prescribed performance standards and shall impose
13 penalties for failure to comply with such performance standards.

14 (a) Any data transmission industry participant who fails to comply with
15 the minimum service standards set by the NTC shall be imposed a minimum
16 penalty of a fine of not less than three hundred thousand pesos (P300,000.00)
17 but not more than five million pesos (P5,000,000.00) per day for every day
18 during which such default or violation continues until the participant fully
19 complies: *Provided*, That if the data transmission industry participant has a
20 gross annual income not exceeding ten million pesos (P10,000,000.00), the
21 penalty that may be imposed shall be equivalent to one percent (1%) to two
22 percent (2%) of its gross annual income. The NTC is hereby authorized and
23 empowered to impose such fine, after due notice and hearing.

24 (b) An entity who fails to substantially comply with the NTC's
25 performance standards for three (3) consecutive years shall, subject to due
26 process, be removed from the registry of registered data transmission industry
27 participants and shall be prohibited from rendering data transmission
28 services.

29 (c) Any data transmission industry participant who engages in the
30 prohibited acts under Section 12 of this Act or fails to comply with the
31 obligations under Section 8 of this Act shall suffer a minimum penalty of a
32 fine of not less than three hundred thousand pesos (P300,000.00) but not
33 more than five million pesos (P5,000,000.00) for every day that the violation

1 continues until the participant fully complies: *Provided*, That if the data
2 transmission industry participant has a gross annual income not exceeding
3 ten million pesos (P10,000,000.00), the penalty that may be imposed shall be
4 equivalent to one percent (1%) to two percent (2%) of its gross annual income.

5 (d) A data transmission industry participant violating any provision of
6 this Act shall forfeit all certificates, licenses, authorizations, rights, and
7 awards issued to it in relation to its participation in the data transmission
8 industry.

9 (e) Any other violations not specifically penalized under the relevant
10 provisions of this Act shall be penalized by a fine of not less than fifty
11 thousand pesos (P50,000.00) and not more than two million pesos
12 (P2,000,000.00).

13
14 **SEC. 12. Adjustment for Inflation.** – The fines imposed under this Act
15 shall be adjusted, year-on-year, considering the prevailing cost of money
16 based on the current consumer price index, and subject to publication of such
17 adjustments.

18
19 **CHAPTER V**
20 **RIGHTS OF DATA TRANSMISSION SERVICE USERS AND**
21 **RESPONSIBILITIES OF DATA TRANSMISSION SERVICE PROVIDERS**
22

23 **SEC. 13. Rights of End Users.** – The user of data transmission services
24 shall have the following basic rights:

25 (a) Entitlement of data transmission service which is nondiscriminatory,
26 reliable, and conforming with minimum standards set by the NTC;

27 (b) To be given data transmission services within two (2) months from
28 application for service;

29 (c) Regular, timely and accurate billing, courteous and efficient service at
30 business offices and by company personnel;

31 (d) Timely correction of errors in billing and the immediate provision of
32 rebates or refunds by the data transmission service provider without the need
33 for demand by the user; and

1 (e) Thorough and prompt investigation of, and action upon complaints.
2 The data transmission service provider shall endeavor to allow complaints to
3 be received by any means convenient to the end user, including voice calls,
4 post, short messaging service (SMS), multimedia messages (MMS) and online
5 communication, and shall keep a record of all complaints received and the
6 action taken to address the complaints.

7 Subject to the filing of a formal request to the data service provider, a
8 user may request the immediate termination of service without the imposition
9 of fees or penalties, and with the refund of any fee or charge already paid by
10 the user, should a data service provider not consistently comply with
11 preceding paragraphs (a), (d), (e), or any other minimum performance
12 standards set by the NTC.

13
14 **CHAPTER VI**
15 **FINAL PROVISIONS**
16

17 **SEC. 14. Expedited Processing.** – In all instances where a participant
18 in the data transmission industry shall require a form, certificate, or request
19 from any government agency or local government unit (LGU), there should be
20 no more than two (2) public officers involved in processing the form,
21 certificate, or request.

22 Processing fees and certifications required for the deployment of any
23 segment of data transmission networks shall be limited to those identified by
24 the DICT. The DICT shall coordinate with the concerned national government
25 agencies and LGUs, and conduct the necessary consultations with civil
26 society organizations and other stakeholder groups, for the development of
27 the implementing rules and policies to minimize the administrative burden of
28 permitting and certification processes.

29
30 **SEC. 15. Implementing Rules and Regulations.** – Within sixty (60) days
31 from the effectivity of this Act, the NTC shall promulgate the necessary rules
32 and regulations for the effective implementation of this Act.

1 The NTC shall ensure that the provisions of this law apply, *mutatis*
2 *mutandis*, to future technologies in data transmission.

3
4 **SEC. 16. Joint Congressional Oversight Committee on Open Access**
5 **in Data Transmission.** – There is hereby created a Joint Congressional
6 Oversight Committee on Open Access in Data Transmission (JCOCOADT)
7 which shall monitor and ensure the effective implementation of this Act. It
8 shall determine weaknesses and loopholes in the law, recommend the
9 necessary remedial legislation or administrative measures and perform such
10 other duties and functions as may be necessary to attain the objectives of this
11 Act.

12 The JCOCOADT shall be composed of five (5) members from the Senate
13 and five (5) members from the House of Representatives in addition to the
14 Chairperson of the Senate Committee on Science and Technology and the
15 Chairperson of the House of Representatives Committee on Information and
16 Communications Technology, who shall Chair the Oversight Committee in the
17 order specified herein: *Provided*, That two (2) members of each chambers'
18 nominees shall come from the ranks of the minority party/bloc.

19 The Chairperson of the Senate Committee on Science and Technology
20 and the Chairperson of the House of Representatives Committee on
21 Information and Communications Technology shall act as co-Chairpersons of
22 the JCOCOADT. The ranking minority members nominated by both the
23 Senate and the House of Representatives shall act as co-Vice Chairpersons.
24 The Secretariat of the JCOCOADT shall come from the existing Secretariat
25 personnel of the Committee on Science and Technology of the Senate and the
26 Committee on Information and Communications Technology of the House of
27 Representatives. The JCOCOADT shall have its own independent counsel.

28 The JCOCOADT shall exist for a period not exceeding five (5) years from
29 the effectivity of this Act. Thereafter, its oversight functions shall be exercised
30 by the Senate Committee on Science and Technology and the House of
31 Representatives Committee on Information and Communications Technology,
32 acting separately.

33

1 **SEC. 17. Separability Clause.** – Should any provision herein be declared
2 unconstitutional, the other provisions not affected shall remain in full force
3 and effect.

4
5 **SEC. 18. Repealing Clause.** – All laws, decrees, orders, rules and
6 regulations or other issuances or parts inconsistent with the provisions of this
7 Act are hereby repealed, amended or modified accordingly.

8
9 **SEC. 19. Effectivity.** – This Act shall take effect fifteen (15) days after
10 its publication in the *Official Gazette* or in any newspaper of general
11 circulation.

12 Approved,