



**NOTICE
OF
CONSULTATION AND SUBMISSIONS**

**AGENCY RULEMAKING
RE: POLICY ON EXPANDING THE PROVISION OF INTERNET
SERVICES THROUGH INCLUSIVE ACCESS TO SATELLITE SERVICES**

Greetings from the Department of Information and Communications Technology (DICT)!

Executive Order (EO) No. 127 s. 2021 mandates the DICT to issue its rules and regulations necessary for the implementation of the national policy for inclusive access to satellite services, with specific attention towards the use of satellite communication to improve internet services in the country, all in coordination with the National Telecommunications Commission (NTC).

Pursuant to the Department's continuing public participation and consultation process, all stakeholders from the government sector, the academe, and relevant industries are given the opportunity to submit their written observations, inputs and comments as part of the overall participative and synoptic process through which the Department is gathering relevant data and information that will help its overall departmental policy direction relative to providing an effective, responsive, and up-to-date policy issuance to foster inclusive access to satellite services. Please note that the DICT is open to considering all alternative options for possible adoption.

All interested persons **are invited to submit and share their written views, comments, and inputs** in the form of a position paper, policy research, best practices, commentaries, related rules, regulations, guidelines, or laws. All submissions shall be sent to internet.satellite@dict.gov.ph, with email subject/title **“In re: DICT Rulemaking for Inclusive Access to Satellite Services,”** within ten (10) days from the posting and/or publication of this Notice.

BACKGROUND

In 2011, the United Nations (UN) issued a report after the 17th session of the UN Human Rights Council declaring Internet Access as a basic human right.¹ The establishment of accessible Information and Communications Technologies (ICTs) as a basic household need has been made even more apparent during this state of public health emergency due to the Coronavirus Disease 2019 (COVID-19);² Internet access empowered Filipinos in the face of the pandemic by providing a platform for continued education, livelihood, connectedness and opportunity.

Nevertheless, while ICTs have spurred tremendous progress and development in various sectors of the Philippines, its advantages are not inclusive, broadening the divide between communities that have the capacity to access its benefits and those that do not.³

It is the declared policy of the State to ensure universal access to quality, affordable, reliable and secure ICT services;⁴ to promote the development and widespread use of emerging ICT and foster and accelerate the convergence of ICT and ICT-enabled facilities;⁵ and to ensure the availability and accessibility of ICT services in areas not adequately served by the private sector.⁶ In line with the State's recognition of the vital role of communication and information in nation-building,⁷ and acting upon the recommendations unanimously approved by the member agencies of the Financial Inclusion Steering Committee (FISC) chaired by Governor Benjamin Diokno of the Bangko Sentral ng Pilipinas (BSP), and the Cabinet-Economic Development Cluster (EDC) chaired by Finance Secretary Carlos G. Dominguez III, President Rodrigo Duterte issued **Executive Order (EO) No. 127 s. 2021**,⁸ entitled **“EXPANDING THE PROVISION OF INTERNET SERVICES THROUGH INCLUSIVE ACCESS TO SATELLITE SERVICES, AMENDING EXECUTIVE ORDER NO. 467 (S.**

¹ [United Nations Declares Internet Access a Basic Human Right](#).

² Presidential Proclamation No. 922, s. 2020.

³ National ICT Ecosystem Framework Brochure.

⁴ §2(c), [RA 10844](#), otherwise known as the “Department of Information and Communications Technology Act of 2015”

⁵ §2(d), RA 10844.

⁶ §2(e), RA 10844.

⁷ §24, Article II of the [1987 Constitution](#).

⁸ [Executive Order No. 127](#) (s. 2021).

1998) FOR THE PURPOSE”, on 11 March 2021, to ensure the delivery of universal access to fast and reliable internet connectivity throughout the country.

In expanding the provisions of internet services through inclusive access to satellite services, EO No. 127 s. 2021 amended and modified **EO No. 467 s. 1998**, entitled **“PROVIDING FOR A NATIONAL POLICY ON THE OPERATION AND USE OF INTERNATIONAL SATELLITE COMMUNICATIONS IN THE COUNTRY.”**⁹

Attention is hereby invited to the provisions of EO 467 s. 1998, as amended by EO 127 s. 2021 for the submission of written inputs, information, and observations which may be considered by the Department within the context of its administrative rulemaking discretion. Among the areas of particular interest are the following:

I. Amendments to EO No. 467

- 1. Section 1. Policy and Regulation (merging of section (a) and (b); inclusion of VAS providers and ISPs to be allowed direct access to all satellite systems x x x)**

Section 6 of RA No. 10929, otherwise known as the “Free Internet Access in Public Places Act” permits Internet Service Providers (ISPs) to acquire and utilize internet connectivity directly from satellites and other emerging technologies to ensure universal coverage, which when used to provide internet connectivity would be considered as Value-Added Services (VAS).¹⁰

Pursuant to this, sections 1(a) and 1(b) of EO No. 467 were merged and amended to allow for the inclusion of VAS Providers and ISPs duly registered with the NTC in directly accessing all satellite systems, whether

⁹ Ibid.

¹⁰ §6, RA 10929, otherwise known as the “Free Internet Access in Public Places Act”

fixed or mobile, international or domestic, to build and operate broadband facilities to offer internet services.¹¹

2. Section 2 (from Policy of Terms to Access to Satellite-Based Technology)

Section 2 was renamed to “Access to Satellite-Based Technology” and amended to detail that the NTC would update its regulations and expedite its administrative processes to enable VAS providers and ISPs to directly access, utilize, own and operate facilities for internet access service using satellite technologies such as, but not limited to, Very Small Aperture Terminals, Broadband Global Area Network and other similar technologies, for all segments of the broadband network, with the understanding that VAS providers and ISPs will comply with existing policies and requirements concerning the registration of VAS and ISP offerings and submission of their schedule rates.¹²

3. Section 3 (inclusion of the words “and satellite” on the definition of Direct Access)

The word “**international**” in “international satellite system providers” under EO No. 467 is dropped to be aligned with the objectives of EO No. 127 stated above. That is, direct access to all satellite systems, whether fixed or mobile, international or domestic.

4. Section 4 (Recognizing the functions of the DICT as per RA No. 10844)

Following the enactment of the “Department of Information and Communications Technology Act of 2015”, all operating units of the Department of Transportation and Communications (DOTC) with

¹¹ §1(a), EO No. 127, s. 2021.

¹² §1(b), EO No. 127, s. 2021.

functions and responsibilities dealing with communications are transferred to the DICT.¹³ Hence, it is the responsibility of the DICT to regularly review EO No. 127.

II. EO No. 467 s. 1998, as amended by EO No. 127 s. 2021

For reference, the provisions of EO No. 467, s. 1998, as amended by EO 127, s. 2021, are as follows:

***“Section 1. Policy Guidance.** The following guidance and regulations shall govern the operation and use of the following satellite telecommunications facilities and services in the country:*

***a. Inclusive Access to Satellite Services.** Enfranchised telecommunications entities duly authorized by the National Telecommunications Commission (NTC), and Value-Added Service (VAS) Providers and Internet Service Providers (ISPs) duly registered with the NTC shall be allowed direct access to all satellite systems, whether fixed or mobile, international or domestic, to build and operate broadband facilities to offer internet services. Broadcast service providers may also be allowed to directly access satellite systems subject to NTC rules, regulations and authorizations.*

***b. Use of Satellite Newsgathering (SNG) Earth Stations.** The government shall take a permissive approach on the use and operation of SNG earth stations owned or operated by foreign news media organizations, for a limited period of time as defined by NTC. Foreign news media organizations wanting to bring SNG earth stations into the country shall secure a special NTC permit.*

***c. Operation and Use of Global Mobile Personal Communication by Satellite (GMPCS).** The government shall allow the operation and use of*

¹³ §15(a)(6), Transfer of Agencies and Personnel, RA 10844, “DICT Act of 2015”. The Department of Transportation and Communications (DOTC) was renamed the Department of Transportation (DOTr).

GMPCS to contribute to the attainment of universal access, subject to NTC rules and regulations. In this connection, GMPCS systems shall be required to interconnect with existing terrestrial systems in a non-discriminatory manner in accordance with the provisions of Executive Order No. 59 (Guidelines for Compulsory Interconnection of Authorized Public Telecommunications Carriers) and its Implementing Guidelines.

d. Provision of Direct to Home TV Services. The government shall allow the reception of Direct to Home TV signals from content providers utilizing international satellite systems, provided the video programs thereto are authorized by appropriate government agency(ies). Equipment for the reception of Direct to Home TV signals shall be provided by duly authorized entities. Moreover, uplink centers for transmission or retransmission of video programs shall be encouraged to be set up in the Philippines, subject to existing laws and procedures formulated by the NTC.

Section 2. Access to Satellite-Based Technology. The NTC shall update its regulations and expedite its administrative processes to enable VAS providers and ISPs to directly access, utilize, own and operate facilities for internet access service using satellite technologies such as, but not limited to, Very Small Aperture Terminals, Broadband Global Area Network and other similar technologies, for all segments of the broadband network. It is understood, however, that VAS providers and ISPs shall comply with existing policies and requirements concerning the registration of VAS and ISP offerings and submission of their schedule of rates.

Section 3. Definition of Terms. For the purpose of this Order and in the implementation of the above policy guidance, the following definitions shall apply:

a. **Direct Access** – any one of a number of measures permitting direct dealings between authorized entities and satellite system providers at specified levels as defined by the NTC.

- b. **Direct to Home (DTH) TV** – a broadcasting system wherein television programs are transmitted directly to home/user receivers via satellite, thus making the reception cover not only individual(s) in their homes but other places as well.
- c. **Fixed Satellite Service** – a radiocommunication service between earth stations at given points, when one or more satellites are used; the given position may be specified point or any fixed points within specified areas.
- d. **Global Mobile Personal Communications by Satellite** – a satellite system providing telecommunications services directly to end-users anywhere in the globe from a constellation of satellites.
- e. **Mobile Satellite Service** – a radio communication service between mobile earth stations and one or more space stations, or between space stations used by this service, or between mobile earth stations by means of one or more space stations.
- f. **Satellite Newsgathering** – the use of either transportable “Fixed Satellite Service” earth stations or “Mobile Satellite Service” earth stations to provide temporary communications services for news media organizations covering news events such as summits, conferences or disasters.

Section 4. Policy Review. *The DICT, in consultation with the concerned agencies and sectors, shall regularly review the responsiveness of the above policy and submit recommendations to the Office of the President.”*

III. Actionable Items under EO No. 127, s. 2021

1. Section 2: Philippine Orbital Slot Policy

Through the NTC, the DICT is tasked to pursue policies to secure necessary orbital slots for Philippine satellite/s under Section 2.¹⁴

By way of historical background, on 16 March 2016, the DOST-Information and Communications Technology Office, as a forerunner of the DICT, issued a notice offering the Philippine orbital slot at 98 degrees East for planned broadcast satellite services to be carried, on a non-exclusive basis, allowing for a multiple redundant satellite deployment. This was solely intended for sending and receiving broadcast data for the government communications network needed for bridging digital divide initiatives, among others.¹⁵

2. Section 3: IRR of National Policy for Inclusive Access to Satellite Services

In line with the DICT's mandate to provide oversight over agencies governing and regulating the ICT sector and ensure consumer protection and welfare, data privacy and security, foster competition and the growth of the ICT sector,¹⁶ the DICT will issue the necessary rules and regulations for the implementation of the national policy for inclusive access to satellite services in coordination with the NTC, under Section 3 of the EO.¹⁷

The DICT invites all concerned to submit and share their views, comments and inputs for consideration in drafting the necessary and relevant policies relative hereto. Anyone may submit in the form of a position paper, policy research, best practices, related rules, regulations, guidelines, or laws. Your written observations, inputs or comments will be highly appreciated by the Department. Kindly ensure the submission of your inputs, views, observations and comments to the internet.satellite@dict.gov.ph, with email subject/title **“In re: DICT Rulemaking for Inclusive Access to Satellite Services”**, within ten (10) days from the posting and/or publication of this Notice, so that

¹⁴ §2, EO No. 127, s. 2021.

¹⁵ [Notice of Offer for Orbital Slot](#), Department of Information and Communications Technology.

¹⁶ §2(n), RA 10844.

¹⁷ §3, EO No. 127, s. 2021.

the same may be duly acted upon by the Department, through its concerned DICT units and offices.

Let copies of this Notice be posted on the Official Website of the DICT, and furnished to the NTC and other concerned government agencies.

The Department eagerly looks forward to the written responses and submissions from all interested entities of both the private and public sectors.

GREGORIO B. HONASAN II

Secretary