

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



Senate
Office of the Secretary

23 APR 12 P3:32

SENATE
S. No. 2064

RECEIVED BY: _____

Introduced by Senator Loren B. Legarda

AN ACT
FOR THE REALLOCATION OF UNUSED SPECTRUM FOR DISTANCE
LEARNING, RESEARCH AND DEVELOPMENT, AND OTHER PURPOSES,
APPROPRIATING FUNDS THEREFOR

EXPLANATORY NOTE

It is the policy of the State to protect and promote the right of all citizens to quality education at all levels and shall take appropriate steps to make such education accessible to all.¹ The State shall establish, maintain, and support a complete, adequate, and integrated system of education relevant to the needs of the people and society.²

The COVID-19 pandemic has revolutionized the education system in the Philippines. The inability of teachers to conduct face-to-face classes due to restrictive community quarantine protocols and the potential health and safety risks have paved the way for remote learning as an alternative mode of education.

With the adoption of remote learning, classes were conducted through synchronous and/or asynchronous learning. In both synchronous learning and asynchronous learning, students from anywhere can attend classes. In synchronous online learning, students are required to attend live-streamed classes in real-time. Whereas in asynchronous learning, prepared videos and instructional materials are

¹ Article XIV, Section 1, 1987 Constitution

² Article XIV, Section 2, 1987 Constitution

available for students to access anytime, thus participants need not be online at the same time.

To provide wider access to education, the use of unutilized TV and radio frequencies in creating integrated amateur television and radio stations should be maximized to broadcast educational programs that can reach remote areas in the country or areas without or with limited internet accessibility.

In this regard, this bill seeks to utilize unused TV and radio frequencies, as determined by the National Telecommunication Commission (NTC), for the development of amateur TV and radio stations which shall serve as platforms for broadcasting educational programs in accordance with the curricula approved by the Department of Education per educational level.

In view of the foregoing, the passage of this bill is earnestly sought.


LOREN LEGARDA

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



23 ABR 12 P3:32

SENATE

RECEIVED BY: 

S. No. 2064

Introduced by Senator Loren B. Legarda

**AN ACT
FOR THE REALLOCATION OF UNUSED SPECTRUM FOR DISTANCE
LEARNING, RESEARCH AND DEVELOPMENT, AND OTHER PURPOSES,
APPROPRIATING FUNDS THEREFOR.**

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

1 Section 1. *Title.* - This Act shall be known as the "Spectrum Use for Distance
2 Learning and Research and Development Act."

3 Sec. 2. *Scope and Application.* - This Act shall provide for the utilization of unused
4 Television (TV) and radio frequencies, as determined by the National Telecommunication
5 Commission (NTC), for the development of amateur TV and radio stations for
6 educational and research and developmental purposes to be deployed in remote areas
7 with limited or no internet accessibility.

8 Sec. 3. *Definition of Terms.* - As used in this Act:

9 (a) *Amateur Radio Station* refers to a radio station that broadcasts an educational
10 program in accordance with the curricula implemented by the Department of
11 Education (DepEd) per educational level.

12 (b) *Amateur TV Station* refers to a TV station that broadcasts an educational program
13 in accordance with the curricula implemented by the DepEd per educational level.

14 (c) *Asynchronous classes* refer to the modality of learning wherein teachers and
15 students are not online at the same time. Here, teachers give instructions and

- 1 reading materials to students who can work at their own pace without real-time
2 interaction with their teachers.
- 3 (d) *Community LTE Network* is a network that creates a mobile hotspot across several
4 kilometers that connects to the internet by satellite.
- 5 (e) *Data Broadcasting* is an undertaking the object of which is to transmit over-the-air
6 commercial radio or television messages for the reception of a broad audience in
7 a geographic area.
- 8 (f) *Distance Learning* refers to a learning delivery mode where learning takes place
9 between the teacher and the learners who are geographically remote from each
10 other during instruction.
- 11 (g) *Franchise* is a privilege conferred upon a telecommunications entity by Congress,
12 authorizing that entity to engage in a certain type of communication service.
- 13 (h) *Information Communications Technology* is the technology used to handle
14 communication processes including telecommunications.
- 15 (i) *Long Term Evolution (LTE) Network* is a standard for wireless broadband
16 communication for mobile devices and data terminals.
- 17 (j) *Reallocation* refers to re-entry into the national TV and radio frequency allocation
18 of a given frequency band for the repurpose of its use by one or more
19 telecommunication services.
- 20 (k) *Research and Development (R&D)* is a systematic and creative work undertaken in
21 the physical, natural, mathematical, agricultural, and applied sciences by using
22 methods to increase the stock of knowledge and the use of this knowledge in these
23 fields to devise new applications.
- 24 (l) *Spectrum* refers to TV and radio frequencies that enable telecommunication entities
25 to provide services to the public, such as mobile telephony and access to the
26 internet, among others.
- 27 (m) *Synchronous classes* refer to the modality of learning that happens in real-time using
28 video conferencing tools.
- 29 (n) *Telecommunication* refers to any process that enables a telecommunication entity to
30 relay and receive voice, data, electronic messages, written or printed matter, mixed

1 or moving pictures, words, music, visible or audible signals, or any control signals
2 of any design and for any purpose by wire, radio, or other electromagnetic,
3 spectral, optical, or technological means.

4 (o) *Telecommunication Entity* refers to any person, firm, partnership, or corporation,
5 whether government or private, engaged in the provision of telecommunication
6 services to the public for compensation.

7 (p) *UHF Spectrum* is an abbreviation of ultrahigh frequency. This is used extensively
8 in television broadcasting.

9 (q) *Unassigned and Unallocated Spectrum* are spectrums not being utilized by
10 telecommunication entities for their services.

11 (r) *White Space* refers to the vacant frequencies located between broadcast TV channels
12 on the UHF.

13 Sec. 4. *Development Objectives and Strategies* - To ensure efficient spectrum use, the
14 State shall:

15 (a) Develop amateur TV and radio stations for educational and research and
16 development purposes.

17 (b) Develop an educational program to be demonstrated in amateur TV and radio
18 stations that will be deployed in remote regions with limited to no internet
19 accessibility.

20 (c) Determine remote regions in the Philippines that have limited and no internet
21 accessibility.

22 (d) Improve internet accessibility in remote areas in the Philippines.

23 (e) Promote distance learning in response to the COVID-19 pandemic and other
24 emergencies.

25 (f) Set up a Community Long Term Evolution (LTE) Network in Department of
26 Education (DepEd) priority areas.

27 (g) Ensure promotion, adequate protection, and more efficient use and assignment of
28 TV and Radio frequencies.

1 (h) Ensure digital inclusivity by taking into consideration the needs of formal and
2 informal sectors such as, but not limited to, indigenous peoples, individuals
3 located in geographically isolated and disadvantaged areas, and other sectors in
4 designing programs, activities, and projects that further bridge the digital divide
5 pursuant to this Act.

6 (i) Consult and collaborate with stakeholders in government and private sectors,
7 particularly those in the telecommunication industry for the formulation and
8 implementation of policies, programs, activities, and projects relative to unused
9 frequencies.

10 Sec. 5. *Creation of Amateur TV and Radio Stations.* - The Department of Science and
11 Technology (DOST) shall spearhead the development of amateur TV and radio stations
12 from the result of research and development programs and projects related to spectrum
13 use.

14 The TV and radio stations will be used for broadcasting an educational program
15 to remote areas as determined by the National Telecommunications Commission (NTC)
16 to have limited or no internet accessibility based on the result of the ICT survey
17 conducted by the Department of Information Communications Technology (DICT).

18 Sec. 6. *Legislative Franchise Exemption.* - The development of TV and radio stations
19 shall not require a legislative franchise, in line with the exception provided in Section 1
20 of Act No. 3846, otherwise known as "An Act Providing for the Regulation of Public and
21 Radio Communications in the Philippines and for Other Purposes." A Certificate of
22 Public Convenience (CPC) shall suffice for the operation of the TV and radio stations,
23 which shall be issued by the National Telecommunications Commission (NTC) upon
24 compliance of the applicant with the requirements imposed by the Commission.

25 Sec. 7. *National Information Communications Technology Household Survey* - The
26 survey shall be conducted nationwide once a year by the Department of Information and
27 Communications Technology (DICT) to assess the current Information Communications
28 Technology (ICT) status of the country in terms of the number of households that have
29 access to the internet, radio, and television, among others. The DICT shall cooperate with
30 Local Government Units (LGUs), Higher Education Institutions (HEIs), communities,

1 and other relevant sectors for easier dissemination of surveys and a more accurate
2 evaluation of the country's ICT status.

3 *Sec. 8. Review of Spectrum Management Policies* - The Department of Information
4 and Communications Technology (DICT) shall evaluate the adoption and
5 implementation of existing spectrum management policies to determine the progress of
6 the ICT status of the country. The DICT shall submit a recommendation for the
7 amendment or repeal of the said policies to better promote the public interest.

8 *Sec. 9. Determination of Remote Areas* - The results of the National Information
9 Communications Technology Household Survey and the assessment of existing
10 spectrum management policies by the DICT shall be forwarded to the National
11 Telecommunications Commission (NTC) to serve as a reference in ascertaining which
12 areas or regions need reallocation of spectrums from telecommunication companies. It
13 shall also serve as a basis for determining the need for continued or expanded utilization
14 of unassigned and unused spectrums.

15 *Sec. 10. Report on Use of Spectrum by Telecommunication Entities* - The NTC shall
16 release a list of relevant public telecommunication entities yearly. All telecommunication
17 entities listed shall submit to the NTC a report showing their allocation and utilization
18 of TV and radio frequencies. This is to determine if there are unutilized TV and radio
19 frequencies that may be used for the deployment of amateur TV and radio stations in
20 lieu of promoting distance learning and for the attainment of the other objectives of this
21 Act, subject to the procedures to be prescribed by the NTC.

22 *Sec. 11. Spectrum Reallocation Plan* - Based on the NTC's assessment of the report
23 submitted by the telecommunication companies, it shall allow the reallocation of unused
24 and idle spectrum for the deployment of amateur TV and radio stations. The
25 Commissioner of the NTC, the Secretary of the DICT, the Secretary of the DOST, and
26 representatives from the telecommunications sector shall meet annually to develop
27 and/or update the spectrum reallocation plan concerning the following matters, among
28 others:

29 (a) Duly registered telecommunication companies with their unassigned or unused
30 spectrums;

1 (b) ICT status of the Philippines in determining the need for continued or expanded
2 utilization of unassigned or unused spectrums in the identified remote areas or
3 regions; and

4 (c) Assessment of the amateur TV and radio stations and their impact in remote areas
5 in terms of the quality of education in distant learning.

6 Sec. 12. *Setting Up of Community LTE Networks* - In such areas where spectrum
7 availability is scarce due to a lack of ICT infrastructures, the DOST shall coordinate with
8 the DICT, LGUs, and other responsible government agencies in establishing Community
9 LTE Networks. The Community LTE Networks shall enable communities in remote
10 areas outside the reach of cable, fiber, and cellular networks to gain access to the Internet
11 by satellite. Subject to the rules and regulations of the NTC, the DOST may adopt its
12 LokallTE program out of the result of its research and development projects related to
13 spectrum use.

14 Sec. 13. *Educational Program* - The DOST shall coordinate with the Department of
15 Education (DepEd) and the Commission on Higher Education (CHED) in obtaining the
16 school curricula per educational level as these will be the basis for the educational
17 program to be broadcasted in the TV and radio stations deployed in remote areas with
18 limited or no internet accessibility.

19 Sec. 14. *Inter-Agency Task Force for the Reallocation of Unused Spectrum* - There is
20 hereby organized an Inter-Agency Task Force mandated to ensure the realization of the
21 aforementioned objectives of this Act. The Inter-agency Task Force shall be Chaired by
22 the Department of Information and Communication Technology (DICT) and shall be
23 composed of the following government agencies as members:

- 24 a. Department of Science and Technology (DOST);
- 25 b. Department of Education (DepEd);
- 26 c. Commission on Higher Education (CHED);
- 27 d. National Telecommunications Commission (NTC); and
- 28 e. Department of Interior and Local Government (DILG).

1 Sec. 15. *Intellectual Property Rights* - The educational program to be aired on
2 amateur TV and radio stations shall be protected by the Intellectual Property Code, its
3 implementing rules and regulations, and other applicable Philippine laws.

4 Sec. 16. *Data Privacy* - All personal information gathered and collected through
5 the use of any of the instruments provided for by this Act shall be treated with
6 confidentiality and shall be protected by the Data Privacy Act of 2012.

7 Sec. 17. *Penalty Clause* - Non-compliance to the Spectrum Reallocation Plan or any
8 of the provisions of this Act by any telecommunication entity shall result in revocation
9 of the latter's license.

10 Sec. 18. *Implementing Rules and Regulations*. - Within sixty (60) days from the
11 effectivity of this Act, the National Telecommunications Commission as the lead agency,
12 together with the Department of Information and Communications Technology,
13 Department of Science and Technology, and representatives from the
14 telecommunications and other concerned sectors shall promulgate the necessary rules
15 and regulations for the effective implementation of the provisions of this Act.

16 Sec. 19. *Funding* - The amount necessary for the implementation of the provision
17 of this Act shall be included in the General Appropriation Act for the year following the
18 approval of this Act. The DOST through its Grant-In-Aid (GIA) program, together with
19 other government agencies and instrumentalities with available resources may allocate
20 initial funding to support the development of Community LTE Networks, TV and radio
21 stations, and the educational program to be deployed in said stations.

22 Sec. 20. *Separability Clause*. - If any provision of this Act is declared
23 unconstitutional or invalid by a court of competent jurisdiction, the remaining
24 provisions not affected thereby shall continue to be in full force and effect.

25 Sec. 21. *Repealing Clause*. - Any law, presidential decree, issuance, executive order,
26 letter of instruction, administrative order, rule, or regulation contrary to or inconsistent
27 with the provisions of this Act is hereby repealed, modified, or amended accordingly.

1 Sec. 22. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication
2 in the *Official Gazette* or in any two (2) newspapers of general circulation in the
3 Philippines.

Approved,