ICLG

The International Comparative Legal Guide to:

Telecoms, Media & Internet Laws & Regulations 2015

8th Edition

A practical cross-border insight into telecoms, media and internet laws and regulations

Published by Global Legal Group with contributions from:

Alain Bensoussan Avocats Selas
Attorneys at law Borenius Ltd
Camilleri Preziosi
Castillo y Castillo
Chajec, Don-Siemon & Zyto sp.k. – Legal Advisors (“CDZ”)
Colibri Kazakhstan
Cugia Cuomo & Associati
Davies Ward Phillips & Vineberg LLP
Dr. Norbert Wiesinger, Law Offices
Gika & Associates Attorneys at Law
Heuking Kühn Lüer Wojtek
Hogan Lovells (CIS)
King & Wood Mallesons
Kromann Reumert
Langlet, Carpio y Asociados, S.C.
Lisa Thornton Inc
Mehmet Gün & Partners

Melchior, Micheletti & Amendoeira Advogados
Mori Hamada & Matsumoto
NautaDutilh N.V.
Olswang LLP
Pachiu and Associates
Sanchez Elia & Associates
Sébastien Fanti
Shay & Partners
Sociedade Rebelo de Sousa & Advogados Associados, RL
Squire Patton Boggs
SyCip Salazar Hernandez & Gatmaitan Law Offices
Tilleke & Gibbins
Udo Udorn & Belo-Osagie
Webb Henderson
Wigley & Company
Wilkinson Barker Knauer, LLP
Welcome to the eighth edition of *The International Comparative Legal Guide to: Telecoms, Media & Internet Laws & Regulations*. This guide provides the international practitioner and in-house counsel with a comprehensive worldwide legal analysis of telecoms, media and internet laws and regulations.

It is divided into two main sections:

Two general chapters. These chapters provide overviews of the EU regulatory framework and of the different approaches and attitudes towards mobile network consolidation in the United States and Europe.

Country question and answer chapters. These provide a broad overview of common issues in telecoms, media and internet laws and regulations in 34 jurisdictions.

All chapters are written by leading telecoms, media and internet lawyers and industry specialists and we are extremely grateful for their excellent contributions.

Special thanks are reserved for the contributing editor Rob Bratby of Olswang LLP for his invaluable assistance.

Global Legal Group hopes that you find this guide practical and interesting.

The *International Comparative Legal Guide* series is also available online at [www.iclg.co.uk](http://www.iclg.co.uk).

Alan Falach LL.M.
Group Consulting Editor
Global Legal Group
Alan.Falach@glgroup.co.uk
1 Overview

1.1 Please describe the: (a) telecoms; (b) audio-visual media distribution; and (c) internet infrastructure sectors in the Philippines, in particular by reference to each sector’s: (i) importance (e.g. measured by annual revenue); (ii) 3-5 most important companies; (iii) whether they have been liberalised and are open to competition; and (iv) whether they are open to foreign investment.

(a) The telecommunications sector is a mature fixed line and mobile phone market characterised by universal access and a relatively robust infrastructure upgrade to NGN. According to the World Bank’s 2012 Information and Communications for Development report, 99% of the population was covered by mobile-cellular networks in 2010. Its SMS volume and usage levels are among the highest in the world. Business Monitor International reports mobile penetration rates reaching over 100% and further growth opportunities as established operators move towards next-generation technologies. Based on reports from the Business Processing Association of the Philippines, the Philippines became a top business process outsourcing destination partly because of a stable telecommunications infrastructure. Frost & Sullivan’s Asia Pacific Enterprise Telephony Market reports continued growth in the Philippine enterprise telephony business. The Philippine Long Distance Telephone Company (“PLDT”), with affiliates Smart Communications, Inc., Digitel Mobile Philippines, Inc., and Digital Telecommunications Philippines, Inc., and competitor Globe Telecom, Inc., have the widest networks and market shares. Liberalised in the early to mid-1990s, the legal regime is pro-competition and pro-access in tenor. Only partial foreign ownership of telecommunications enterprises is allowed by the Philippine Constitution.

(b) The audio-visual media distribution sector refers to broadcasting over radio, TV and cable networks. They are the primary sources of public information and entertainment for most residents. ABS-CBN Broadcasting Corporation, GMA Network, Inc., Manila Broadcasting Company, Sky Cable, Inc. and Global Destiny Cable, Inc. lead the field. These traditional media enterprises are free to compete, but are wholly reserved to Philippine nationals.

(c) The internet infrastructure sector of mostly broadband network service providers reflects the greater demand for personal access over business solutions. The sector promises the most potential for growth as providers offer LTE services but have yet to expand their coverage beyond a few cities and still struggle with prescribed performance standards. PLDT, Smart Bro, Inc., Globe Telecoms, Inc., Sky Cable, Inc. and Wi-tribe Telecoms, Inc. stand out for leveraging on their networks and technologies. The sector is liberalised, but only partial foreign ownership is allowed.

1.2 List the most important legislation which applies to the: (a) telecoms; (b) audio-visual media distribution; and (c) internet, sectors in the Philippines.

(a) Republic Act No. 7925 – The Public Telecommunications Policy Act of the Philippines (the “Telecoms Act”).

(b) Presidential Decree No. 576-A – Regulating the Ownership and Operation of Radio and Television Stations and for Other Purposes, and Executive Order No. 205 – Regulating the Operation of Cable Antenna Television (“CATV”) Systems in the Philippines, and for other purposes.

(c) Republic Act No. 7925 and Republic Act No. 10175 – Cybercrime Prevention Act.

1.3 List the government ministries, regulators, other agencies and major industry self-regulatory bodies which have a role in the regulation of the: (a) telecoms; (b) audio-visual media distribution; and (c) internet sectors in the Philippines.

(a) The Securities and Exchange Commission (“SEC”), the National Telecommunications Commission (“NTC”), the Information and Communications Technology Office, and the Department of Trade and Industry (“DTI”).

(b) The SEC, the NTC, the Movie and Television Review and Classification Board (“MTRCB”), the Optical Media Board (“OMB”), the National Council for Children’s Television, and the Kapisanan ng mga Brodkaster ng Pilipinas (“KBP”).

(c) Same as (a) above.

1.4 Are there any restrictions on foreign ownership or investment in the: (a) telecoms; (b) audio-visual media distribution; and (c) internet sectors in the Philippines?

(a) Only citizens of the Philippines or corporations or associations organised under the laws of the Philippines, at least 60% of the capital of which is owned by such citizens, may engage in public telecommunications.

(b) Only Philippine nationals or 100% Filipino-owned corporations may engage in radio, television and cable TV broadcasting.

(c) Same as (a) above. However, the SEC restricts only to Philippine nationals the commercial operation of an online platform to market or sell third party products and services.
2.2 How is the provision of telecoms (or electronic communications) networks and services regulated?

The provision of telecommunications to the public for compensation is governed by laws on public utilities and triggers franchise and licensing requirements. It is also subject to a nationality restriction, and is not exclusive in character. Also, prior government approval is required for specific transactions, such as the sale or lease of franchises. Telecommunications regulations and their enforcement put a premium on public interest and convenience.

The Telecoms Act provides specific obligations on universal access, interconnection, healthy competition, public ownership of telecommunications enterprises, efficient allocation of spectrum, and protection of end-user rights. The law imposes less regulation, however, on value-added or enhanced services beyond those ordinarily provided by public telecommunications entities (“PTEs”).

2.3 Who are the regulatory and competition law authorities in the Philippines? How are their roles differentiated? Are they independent from the government?

The NTC is the government body that principally regulates the telecommunications industry. It checks on anti-competitive behaviour of PTEs by enforcing fair pricing and reasonable interconnection.

The Department of Justice (“DOJ”) Office for Competition is the Competition Authority charged with the responsibility to supervise competition in markets, enforce competition laws to protect consumers, investigate and prosecute violators to prevent combinations that restrain trade.

2.4 Are decisions of the national regulatory authority able to be appealed? If so, to which court or body, and on what basis?

Decisions of the NTC issued in the exercise of its quasi-judicial powers may be brought to the Court of Appeals for review either through a petition for review or a petition for certiorari. The former may be taken based on questions of law, facts or mixed questions of law and facts, while the latter may be taken based on a claim of grave abuse of discretion on the part of the regulator whose decision is being challenged.

2.5 What types of general and individual authorisations are used in the Philippines?

The Philippines uses only individual authorisations to licence service providers and services.

A PTE must have a franchise granted by the Philippine Congress, as well as licences applied for with, and issued by, the NTC. The principal licence issued by the NTC is a certificate of public convenience and necessity, or CPCN, for each type of telecommunications network or service applied for. In addition to a CPCN, wireless service providers must request a frequency assignment from the NTC.

Value-added service (“VAS”) providers, on the other hand, only need to secure a certificate of registration from the NTC.

2.6 Please summarise the main requirements of the Philippine’s general authorisation.

The Philippines does not issue general authorisations.

2.7 In relation to individual authorisations, please identify their subject matter, duration and ability to be transferred or traded.

(a) Franchise – issued by the Philippine Congress, this is the principal authority to construct, establish, operate and maintain communications systems and networks. The term of the franchise is typically set for a period of 25 years, unless revoked sooner on grounds such as breach of franchise. The grantee cannot lease, transfer, or otherwise dispose of the franchise or related rights without Congress’ approval.

(b) CPCN – issued by the NTC for the authority to construct, install, establish, operate and maintain a specific telecommunications network. It is coterminous with the franchise, unless revoked sooner for violations of its terms and conditions. A grantee cannot lease, transfer or otherwise dispose of its CPCN without the NTC’s approval.

(c) Frequency assignment – issued by the NTC for the authority to use specific frequencies. It is coterminous with the CPCN, unless revoked sooner for non-use or failure to pay for their use. It is not transferable.

(d) Certificate of Registration for Value-Added Service – issued by the NTC for the authority to offer VAS to the public for compensation. Voice over Internet Protocol service (“VOIP”) is classified as VAS. The term is five years except for VOIP, which is one year.

2.8 Are there specific legal or administrative provisions dealing with access and/or securing or enforcing rights to public and private land in order to install telecommunications infrastructure?

There are no laws specifically governing rights of way for installation of telecommunications infrastructure. Under general laws on easement of right of way, a person may demand a right of way after paying the proper indemnity for the damage caused to the landowner when it is indispensable to carry materials through the estate of another, or when his property is surrounded by estates of others without an adequate outlet to a public highway.
Access and Interconnection

2.9 How is network-to-network interconnection and access mandated?

The Telecoms Act mandates a fair and reasonable interconnection of facilities of authorised public network operators and other providers of telecommunications services through appropriate modalities of interconnection and at a reasonable and fair level of charges. Under implementing NTC regulations, telecoms entities are required to negotiate and execute interconnection agreements. To further promote interconnection, the NTC also requires telecoms entities to publish reference access offers as default offers to access seekers.

2.10 How are interconnection or access disputes resolved?

Where public interest warrants, the NTC may intervene in a negotiation to mediate a dispute between the negotiating parties. The regulator may also intervene, upon the complaint of an interested party or on its own initiative, in case of a refusal by a telecoms entity to negotiate for interconnection. In such a case, the NTC may direct physical interconnection of the relevant networks, under the terms and conditions it may deem proper.

2.11 Which operators are required to publish their standard interconnection contracts and/or prices?

The NTC requires all PTEs to publish their Reference Access Offers (“RAO”) upon approval by the NTC. A RAO is a statement of the conditions, prices, and terms a PTE proposes to provide access to its network, facilities systems, or customer base to another PTE or VAS provider.

PTEs are required to submit a RAO for each of the following access services, as applicable: fixed or mobile network origination/termination services; retail narrowband and broadband services (for VAS provider connection); and mobile data origination/termination services.

2.12 Looking at fixed, mobile and other services, are charges for interconnection (e.g. switched services) and/or network access (e.g. wholesale leased lines) subject to price or cost regulation and, if so, how?

Generally, interconnecting carriers negotiate interconnection and access charges, and then the agreement is submitted to the NTC. The NTC may regulate interconnection rates when necessary (e.g. in case of anti-competitive pricing, public demand for lower retail prices).

2.13 Are any operators subject to: (a) accounting separation; (b) functional separation; and/or (c) legal separation?

(a) Accounting separation – a telecoms entity with more than one category of telecoms service must maintain a separate book of account for each category.

(b) Functional separation – there is no law or regulation directing functional separation.

(c) Legal separation – the Telecoms Act states that no single franchise shall authorise an entity to engage in both telecommunications and broadcasting, either through the airwaves or by cable’. In effect, the same legal entity shall not be able to operate both a telecommunications enterprise and a broadcast/cable network.

2.14 Are owners of existing copper local loop access infrastructure required to unbundle their facilities and if so, on what terms and subject to what regulatory controls? Are cable TV operators also so required?

All public telecommunications entities are obliged to provide, or charge for, interconnection or access to network elements on an unbundled basis so that the access seeker need not pay for network elements, components, equipment or facilities that it does not need for the service it provides, or to allow it to use or combine such elements to provide a telecommunications service.

An access provider may provide, on such commercial terms and conditions that are just, reasonable and non-discriminatory, any technically feasible method of obtaining interconnection or access to unbundled network elements at a particular point upon request by an access seeker. Unless otherwise agreed upon by the parties, access to unbundled network elements shall be linked through “meet point” interconnection arrangements. An access provider may deny access to unbundled network elements if the requested method of access is not technically feasible.

Non-compliance with the foregoing rules is punishable with administrative sanctions.

There are no similar obligations for cable TV operators.

2.15 How are existing interconnection and access regulatory conditions to be applied to next-generation (IP-based) networks? Are there any regulations or proposals for regulations relating to next-generation access (fibre to the home, or fibre to the cabinet)? Are any “regulatory holidays” or other incentives to build fibre access networks proposed? Are there any requirements to share passive infrastructure such as ducts or poles?

Rules on interconnection and access apply no differently to IP-based networks. Thus, in cases where the VAS provider and network provider refuse to negotiate for the interconnection of their networks, the NTC may, upon the complaint of any interested party or upon its own initiative, intervene and assume jurisdiction over the matter and immediately direct physical interconnection of the networks of the parties under such terms and conditions it may deem proper under the circumstances.

There are no existing or proposed regulations for next-generation access (“FTTH/FTTC”), specific incentives to build fibre access networks or requirements to share ducts, poles or similar passive infrastructure.

Price and Consumer Regulation

2.16 Are retail price controls imposed on any operator in relation to fixed, mobile, or other services?

The NTC has no rules or regulations expressly setting retail price controls on telecommunications services but expects carriers to adjust retail prices for voice and messaging services according to NTC-imposed ceilings on interconnection costs.

Generally, retail prices are regulated by the NTC. PTEs need to submit tariff structures to the NTC for approval. For deregulated services, however, only a notice to the NTC is required.
Regulations require telecoms entities to comply with certain general pricing principles. Pricing cannot be so low as to be predatory and may not exceed the ceiling of the initial tariff schedule without the NTC’s approval. Fixed telephone services must be provided in accordance with certain tariff structures, and should state charge options and options for the supply of consumer access services.

2.17 **Is the provision of electronic communications services to consumers subject to any special rules and if so, in what principal respects?**

Providing electronic communications services may be considered as VAS. VAS providers are regulated differently from basic PTEs. Unlike PTEs, VAS providers without their own networks are only required to register with and submit periodic reports to the NTC. VOIP is classified, and is generally regulated, as a VAS provider.

The provision of electronic communications services may also be subject to data privacy regulations. The Electronic Commerce Act requires an online service provider to keep personal information obtained, collected or stored in the course of electronic commerce or confidential transactions. Also, the Data Privacy Act protects personal information by requiring ‘personal information controllers’ and ‘processors’ to observe principles of transparency, legitimate purpose and proportionality, and to prevent accidental or unlawful destruction, alteration and disclosure, and any other unlawful processing. The NTC’s Consumer Protection Guidelines also recognises a consumer’s right to data privacy. The Cybercrime Prevention Act penalises the following categories of ‘cybercrimes’: offences against confidentiality, integrity and availability of computer data and systems (e.g. illegal interception); computer-related offences (e.g. fraud, identity theft); and content-related offences (e.g. cybersex). Service providers may be required to block or restrict access to computer data.

**Numbering**

2.18 **How are telephone numbers and network identifying codes allocated and by whom?**

The NTC allocates numbers for subscribers and sets codes for areas, network access and emergencies according to a numbering plan. It approves the assignment and use of network destination codes.

2.19 **Are there any special rules which govern the use of telephone numbers?**

Public telecommunications entities are prohibited from using numbering codes in their operations, other than those used and assigned by the NTC, without prior consultation and approval by the NTC.

2.20 **Are there any obligations requiring number portability?**

There are not any. There is neither law nor regulation on number portability.

3 **Radio Spectrum**

3.1 **What authority regulates spectrum use?**

The NTC regulates the allocation, assignment and use of spectrum.

### 3.2 **How is the use of radio spectrum authorised in the Philippines? What procedures are used to allocate spectrum between candidates - i.e. spectrum auctions, comparative 'beauty parades', etc.?**

To optimise the use of the radio spectrum, regulations require radio frequencies ("RF") to be assigned to those who will use it efficiently and effectively to meet public demand for telecommunications services. The NTC allocates frequencies for specific services; thereafter, it assigns them to authorised service providers on a first-come, first-served basis unless demand for specific frequencies exceeds availability. In the latter case, open tenders are required to be held to ensure wider access. The NTC has modified this general procedure in the case of 3G frequencies by introducing a ranking system.

3.3 **Can the use of spectrum be made licence-exempt? If so, under what conditions?**

Subject to NTC approval, spectrum use may be shared without securing new licences.

3.4 **If licence or other authorisation fees are payable for the use of radio frequency spectrum, how are these applied and calculated?**

The use of frequencies is subject to a spectrum user fee that is computed for each radio station according to a schedule of rates that vary according to the service provided and the location of the radio station.

3.5 **What happens to spectrum licences if there is a change of control of the licensee?**

The spectrum licences remain with the licensee. However, the NTC has once required the dominant mobile operator to surrender a spectrum licence to promote competition.

3.6 **Are spectrum licences able to be assigned, traded or sub-licensed and if so on what conditions?**

No. The radio spectrum is a public resource and a spectrum licence is deemed a personal grant of privilege that may not be traded or sub-licensed to another.

4 **Cyber-security, Interception, Encryption and Data Retention**

4.1 **Describe the legal framework (including listing relevant legislation) which governs the ability of the state (police, security services, etc.) to obtain access to private communications.**

Interception of communications, under Philippine law, is generally viewed as a violation of a citizen’s constitutional right to privacy of communication and correspondence. It is illegal unless authorised by a lawful court order, or when public safety or order require otherwise. Data or any evidence obtained in violation of this right is inadmissible for any purpose or in any proceeding. The Cybercrime Prevention Act prohibits interception by technical means without right to any non-public transmission. The Anti-Wiretapping Law allows court-authorised police
recording of communications or spoken word in cases involving crimes against national security, public order and kidnapping. The Human Security Law allows court-authorised police surveillance of telecommunications messages to or from suspected terrorists. Operators are expected not to unjustifiably refuse such types of interceptions. Both laws require the recordings to be deposited with the authorising court. Unless its interception is duly authorised, the operator may suffer the penalties of imprisonment, fines and pecuniary damages while the data becomes inadmissible as evidence in any investigation or hearing. The Anti-Child Pornography Act requires ISPs and internet hosts to notify the police authorities when a violation is being committed using its server or facility, and preserve evidence of such violation, including time, origin and destination of access. However, the law does not authorise an ISP to monitor any user, subscriber or customer, or the content of its communication.

4.2 Summarise the rules which require market participants to maintain call interception (wire-tap) capabilities. Does this cover: (i) traditional telephone calls; (ii) VoIP calls; (iii) emails; and (iv) any other forms of communications?

Service providers are not required to maintain call-interception capabilities.

4.3 How does the state intercept communications for a particular individual?

Law enforcement authorities must secure a court warrant to collect traffic or non-traffic data or to require any person or service provider to disclose a subscriber’s information, traffic data or relevant data in his possession or control that are relevant to an investigation of a valid complaint. They are not allowed to collect or record traffic data in real time.

4.4 Describe the rules governing the use of encryption and the circumstances when encryption keys need to be provided to the state.

There are no rules governing the use of encryption.

4.5 What call data are telecoms or internet infrastructure operators obliged to retain and for how long?

NTC regulations require telecommunications entities to retain call traffic data on the origin, destination, date, time and duration of communications, and to retain data within the following periods: two months for non-metered services with fixed monthly charges; four months for other telecommunications services; or until excused by the NTC for records requested in connection with pending complaints.

5 Distribution of Audio-Visual Media

5.1 How is the distribution of audio-visual media regulated in the Philippines?

 Philippine laws generally regulate the broadcasting and cable TV sectors separately from telecommunications. However, except for content, the licensing and permitting regulations for both broadcasting and cable TV and telecommunications enterprises are administered by the NTC. Content is regulated by the MTRCB and the OMB. The KBP is the broadcasters’ self-regulatory body that enforces programme standards for television and radio. Only Philippine nationals or corporations, partnerships or associations wholly owned by Philippine nationals may engage in broadcasting or cable TV operations. As with telecommunications, television and radio broadcasting is considered a public utility. There is a statutory limit on the number of broadcast stations and channels a single entity may own, operate or manage. Further, every radio station or television channel must allocate at least two hours a day for public service programmes.

5.2 Is there a distinction between the linear and non-linear content and/or content distributed over different platforms?

Yes. They are generally subject to different forms of regulation – linear content by broadcast or cable TV rules, and non-linear content by telecommunications rules. The current framework has yet to address the regulatory challenges of convergence and its effects on regulatory obligations between competing platforms and overlapping content.

5.3 Describe the different types of licences for the distribution of audio-visual media and their key obligations.

Key licences for a broadcasting entity would be a congressional franchise and a certificate of public convenience (“CPC”) from the NTC. CATV service providers, on the other hand, need only obtain a certificate of authority (“CA”) from the NTC. Grantees of a radio and TV broadcasting franchise are obliged not to require any previous censorship of any speech, play or other matter to be broadcast from its stations; provided that the grantee during any broadcast may cut off from the air the speech, play or other matter being broadcast if the tendency thereof is to propose and/or incite treason, rebellion or sedition or the language used therein or the theme thereof is indecent or immoral.

The CPC and CA both require compliance with the roll-out plan for broadcast stations or cable TV facilities approved by the NTC; the payment of supervision and regulatory fees and the submission of annual reports of operations.

5.4 Are licences assignable? If not, what rules apply? Are there restrictions on change of control of the licensee?

Licences may be assigned and changes in control allowed, subject to the approval of the NTC and/or the Philippine Congress.
6 Internet Infrastructure

6.1 How have the courts interpreted and applied any defences (e.g. ‘mere conduit’ or ‘common carrier’) available to protect telecommunications operators and/or internet service providers from liability for content carried over their networks?

There is no case law setting a legal precedent on the liability of service providers for content carried over their networks. The Philippine E-Commerce Law (Republic Act No. 8792), however, allows a defence of merely providing access against any imputation of liability from the making, publication, dissemination or distribution of material, including possible infringement of any right subsisting in or in relation to such material, under these conditions:

i. the service provider does not have actual knowledge, or is not aware of the facts or circumstances from which it is apparent, that the making, publication, dissemination or distribution of such material is unlawful or infringes any rights subsisting in or in relation to such material;

ii. the service provider does not knowingly receive a financial benefit directly attributable to the unlawful or infringing activity; and

iii. the service provider does not directly commit any infringement or other unlawful act and does not induce or cause another person or party to commit any infringement or other unlawful act and/or does not benefit financially from the infringing activity or unlawful act of another person or party.

6.2 Are telecommunications operators and/or internet service providers under any obligations (i.e. provide information, inform customers, disconnect customers) to assist content owners whose rights may be infringed by means of file-sharing or other activities?

There is no law or regulation that specifically imposes an express obligation on telecommunications operators or internet service providers to assist the content owner whose right may be infringed.

6.3 Are telecommunications operators and/or internet service providers able to differentially charge and/or block different types of traffic over their networks? Are there any ‘net neutrality’ requirements?

Yes. There are no regulations on net neutrality or data discrimination.

6.4 Are telecommunications operators and/or internet service providers under any obligations to block access to certain sites or content?

Yes. The DOJ may secure a court order to restrict or block access to computer data found to violate the Cybercrime Prevention Act. ISPs are also prohibited under the Anti-Child Pornography Act from knowingly transmitting any form of child pornography and are obliged to install available technology, programmes or software to ensure that access to or transmittal of any form of child pornography will be blocked or filtered. There is also an NTC directive for internet service providers to block access to websites identified by police authorities in their efforts to counter terrorism.

6.5 How are ‘voice over IP’ services regulated?

VOIP service is regulated as a value-added service. Thus, only Philippine national corporations where the foreign ownership does not exceed 40% of the corporation’s capital stock can operate as VOIP service providers. It only requires registration with the NTC, but registration requirements are more onerous: proof of paid-up capital of at least PHP 10 million; interconnection/reseller agreements; and a performance bond.

A VOIP provider’s interconnection with network providers is governed by the NTC’s interconnection regulations. Where the VOIP provider is a local exchange, inter-exchange or overseas operator, the NTC requires separate books of accounts for VOIP and prohibits both cross-subsidies from utility operations and discrimination in rates or access to facilities.
Rose Marie M. King-Dominguez is a partner at SyCip Salazar Hernandez & Gatmaitan. She is a member of the firm’s Special Projects and Banking, Finance and Securities groups. Her practice covers investments, and mergers and acquisitions, telecommunications, media and advertising. She has been cited in Asialaw’s lists of Asia’s leading lawyers in the fields of capital markets and corporate finance, and general corporate practice, and in the 2012 Chambers Asia Client’s Guide to Asia’s Leading Lawyers for Business.

Ruben P. Acebedo II is an associate at SyCip Salazar Hernandez & Gatmaitan Law Offices. His practice covers telecommunications and media regulation. Before joining the firm, he worked at the National Telecommunications Commission.

Founded in 1945, SyCip Salazar Hernandez & Gatmaitan is one of the most established and largest law firms in the Philippines. Well-known for its strong corporate and commercial practice, it has extensive experience in telecommunications and media law. The firm has assisted clients in their investments in the local telecommunications industry. Its work has included assistance to lender syndicates for the financing of local exchange roll-outs, due diligence of local telecommunications companies and obtaining of opinions from the National Telecommunications Commission on specific issues. It has assisted and advised clients on various telecoms regulations including those on frequency allocations and IP services. The firm represented The Philippine Long Distance Co. in its 2011 acquisition of about 51.55% of Digitel (valued at PHP 69.2 billion). PLDT is the leading telecommunications provider in the Philippines.

The firm’s combined expertise in telecommunications law, media, advertising, intellectual property, e-commerce, data privacy and their related issues make SyCip Law uniquely able to help clients understand and deal with interdisciplinary and cross-jurisdiction concerns, and issues relating to convergence and the latest technological breakthroughs.
Current titles in the ICLG series include:

- Alternative Investment Funds
- Aviation Law
- Business Crime
- Cartels & Leniency
- Class & Group Actions
- Competition Litigation
- Construction & Engineering Law
- Copyright
- Corporate Governance
- Corporate Immigration
- Corporate Recovery & Insolvency
- Corporate Tax
- Data Protection
- Employment & Labour Law
- Environment & Climate Change Law
- Franchise
- Gambling
- Insurance & Reinsurance
- International Arbitration
- Lending & Secured Finance
- Litigation & Dispute Resolution
- Merger Control
- Mergers & Acquisitions
- Mining Law
- Oil & Gas Regulation
- Patents
- Pharmaceutical Advertising
- Private Client
- Product Liability
- Project Finance
- Public Procurement
- Real Estate
- Securitisation
- Shipping Law
- Telecoms, Media & Internet Laws
- Trade Marks